HAMPSHIRE TOWNSHIP PARK DISTRICT

ORDINANCE NO. 2026-06

AN ORDINANCE REGULATING CAMPING IN THE HAMPSHIRE TOWNSHIP PARK DISTRICT

ADOPTED BY THE PRESIDENT AND BOARD OF COMMISSIONERS

OF THE

HAMPSHIRE TOWNSHIP PARK DISTRICT

ON

July 20, 2026

Published in pamphlet form by authority of the President and Board of Commissioners of the Hampshire Township Park District

This ___20th_____ day of ___July____, 2026

ORDINANCE NO. 2026-06

AN ORDINANCE REGULATING CAMPING IN THE HAMPSHIRE TOWNSHIP PARK DISTRICT

WHEREAS, the Hampshire Township Park District (the "District") is a duly organized and validly existing Park District organized and operating under the Illinois Park District Code (70 ILCS 1205/1-1, *et seq.*); and

WHEREAS, the President of the District (the "President") and the Board of Commissioners of the District (the "District Board" and with the President, the "Corporate Authorities") are committed to ensuring that the District operates in a proper, efficient and economical manner; and

WHEREAS, after due investigation, inquiry and consideration by, among others, the Corporate Authorities are of the opinion that unregulated camping within the District is a public nuisance that is deleterious to the health, welfare, property and wellbeing of the District; and

WHEREAS, Section 8-1 of the Illinois Park District Code (70 ILCS 1205/8-1(d)), provides that the corporate authorities may "pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the board and district and to establish by ordinance all needful rules and regulations for the government and protection of parks, boulevards and driveways and other property under its jurisdiction, and to effect the objects for which such districts are formed; and

WHEREAS, Section 8-1 of the Illinois Park District Code (70 ILCS 1205/8-1(e)), provides that the corporate authorities may "prescribe such fines and penalties for the violation of ordinances as it shall deem proper not exceeding $1,000 for any one offense, which fines and penalties it shall deem proper not exceeding $1,000 for any one offense, which fines and penalties may be recovered by an action in the name of such district in the circuit court for the county in which such violation occurred; and

WHEREAS, Section 3-102 of the Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/3-102) obligates the District 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 the District from damages claims where the public property was not being

used in the manner intended and permitted by the District. *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*, 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 individuals; and

WHEREAS, based upon the above findings and recommendations, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the District and its residents to enact regulations concerning individuals camping on District owned property; and

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Commissioners of the Hampshire Township Park District, Kane County, State of Illinois, as follows:

§ 1. Incorporation Clause.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

§ 2. Purpose.

The purpose of this Ordinance is to amend enact regulations of camping on public land within the boundaries of the District.

§ 3. Invocation of Authority.

This Ordinance is enacted pursuant to the powers and authority granted to the District by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

§ 4. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Park District Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

§ 5. Amendment

That the District Code is hereby amended, notwithstanding any provision, ordinance or District Code section to the contrary, SECTION XI: CAMPING AND SLEEPING IN PARKS is hereby amended as follows (additions underlined; deletions ~~stricken~~):

~~A. No person shall camp within any park except in areas as may from time to time be designated by the Board or upon written approval of the Director.~~

~~B. No person shall sleep in any park between dusk and sunrise the following day, except in areas was may from time to time be designated by the Board or upon written approval of the Director.~~

SECTION XI: CAMPING AND SLEEPING IN PARKS

A. Declaration

Public Camping, as the term is defined herein, is hereby declared to be a nuisance within the District in any manner not authorized by this Section or in violation of any other regulations contained in another Section of this District Code.

Public Camping is not an Intended Use of District Property

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

B. 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.

C. Public Camping Prohibited

1. 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 District owned property, nor on or under any bridge or viaduct, at any time.

2. No person may sleep, nor otherwise engage in Public Camping, in any pedestrian or vehicular entrance to District property abutting a public right-of-way.

3. No person may sleep, nor otherwise engage in Public Camping, on any real property owned or otherwise maintained by the District.

4. No person may park a vehicle overnight within the District for the purpose of sleeping or otherwise engaging in Public Camping in said vehicle.

5. 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 District for the purpose of Public Camping, for two consecutive hours without permission from the President and Board of Commissioners of the District, between dusk and sunrise the next day, shall be considered a violation of this Ordinance.

D. Exhibitions 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 District in emergency circumstances; or, (iii) upon resolution of the President and Board of Commissioners of the District, the same may exempt a special event from the prohibitions of this section, if the President and Board of Commissioners of the District finds such exemption to be in the public interest and consistent with the goals and objectives of the President and Board of Commissioners of the District, and with such conditions imposed as the President and Board of Commissioners of the District necessary. Any conditions imposed will include a condition requiring that the applicant provide evidence of adequate insurance coverage and agree to indemnify the District of any liability, damage or expense incurred by the District as a result of the activities of the applicant. Any findings by the President and Board of Commissioners of the District shall specify the exact dates and location covered by the exemption.

E. Removal of Campsite.

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

1. Prior to removing a Campsite, the District 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 a-d, 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).
    a. immediate removal of the Campsite is necessary to maintain access to a property;
    b. immediate removal of the Campsite is necessary to maintain the sanitary condition of a property;
    c. immediate removal of the Campsite is necessary because the Campsite is an obstruction to any public right-of-way; or,
    d. immediate removal of the Campsite is necessary because the Campsite poses a risk to the health and safety of the District and its residents.
2. Upon any action pursuant to Section E.1., above, the person causing such action to be taken shall inform an appropriate agency delivering social services to homeless individuals in the District, 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.
3. 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 District.
4. 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.

F. Disposition and Release of Personal Property

1. All Personal Property removed from any Campsite which is not Exempt Personal Property shall be stored by the appropriate law enforcement agency,

for a minimum of 30 days, during which time it shall be reasonably available for and released to an individual confirming ownership.

2. All Exempt Personal Property may be disposed of or retained as evidence by the appropriate law enforcement agency of the District.

G. Penalty; Mitigation.

1. The penalty for any person's first violation of this Ordinance within a rolling twenty-four (24) month period shall be $75.
2. The penalty for any person's second violation of this Ordinance within a rolling twenty-four (24) month period shall be $150.
3. The penalty for any person's third violation of this Ordinance within a rolling twenty-four (24) month period shall be $350.
4. The penalty for any person's fourth violation of this Ordinance within a rolling twenty-four (24) month period shall be $500.
5. The penalty for any person's fifth violation of this Ordinance within a rolling twenty-four (24) month period shall be $750.
6. 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 $1,000.
7. The District 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.
8. 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.
9. A separate offense of this Ordinance shall be deemed committed on each day on which a violation occurs or continues.
10. 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.

§ 6. Authorization.

The officers, agents, and/or employees of the District shall take all action necessary or reasonably required by the District to carry out, give effect to, and effectuate the purpose of this Ordinance and shall take all action necessary in conformity therewith. The District is authorized to allocate, spend and/or receive all necessary funds to fulfill the requirements of this Ordinance.

§ 7. Ratification.

That all past, present, and future acts and doings of the officials of the District that are in conformity with the purpose and intent of this Ordinance are hereby, in all respects, ratified, approved, authorized and confirmed.

§ 8. Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision or part shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

§ 9. Superseder.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

§ 10. Effective Date.

This Ordinance shall be effective and in full force after passage, approval and publication or as otherwise provided by law.

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PASSED AND ADOPTED by a roll call vote on this 20th day of July, 2026.

Commissioner	Ayes/Yeas	Noes/Nays	Absent	Abstain
Chiu				
Herrmann				
Reid				
Tiffany				
President Looman				
Totals				

APPROVED by me this 20 day of July, 2026.

Nathan Looman, President

Attested, published and filed in my office on _____, 2026

Tamara Chiu, Secretary

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

SECRETARY'S CERTIFICATE

I, Tamara Chiu, certify that I am the duly appointed Secretary of the Hampshire Township Park District, Kane County, Illinois, and I do hereby certify that I am currently the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance titled:

AN ORDINANCE REGULATING CAMPING IN THE HAMPSHIRE TOWNSHIP PARK DISTRICT

I certify that on July 20, 2026, the Board of Commissioners of the Hampshire Park District (or the Corporate Authorities, if required by law) passed and approved Ordinance No. 2026-06.

I do further certify, in my official capacity, that a quorum of said Board of Commissioners was present at the meeting and that the meeting was held in compliance with all requirements of the Open Meetings Act (5 ILCS 120/1, *et seq.*).

The pamphlet form of Ordinance No. 2026-06, including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the District building, commencing on July 22, 2026 and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Secretary and online.

DATED at Hampshire, Illinois, this 22 day of July, 2026.

Tamara Chiu
Secretary