

ORDINANCE 2024-17

ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 142, “PEACE AND GOOD ORDER,” TO INCLUDE ARTICLE IV, “CAMPING.”

WHEREAS, the Borough of Kenilworth (the “Borough”) seeks to amend the Borough’s existing ordinance to prohibit camping or sleeping on any public property, including but not limited to its sidewalks, streets, or alleyways; and

WHEREAS, the Mayor and Council find that there is a substantial interest in furthering the public health, safety and welfare by prohibiting camping or sleeping on any public property; and

WHEREAS, it is important to maintain public property consistent with its intended use, which is for use by the public for public purposes, including daily governmental operations, park recreational use, pedestrian, bicycle and vehicular transportation, and other public uses; and

WHEREAS, camping without adequate sanitation services, such as sewer, water, and garbage, presents a public health and safety concern. by increasing the spread of disease and potentials for members of the public, including persons experiencing homelessness, to contract illness; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or Federal Government, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Kenilworth in the County of Union, State of New Jersey as follows:

SECTION 1. The foregoing clauses are incorporated herein by reference and made a part hereof.

SECTION 2. Chapter 142 “Peace and Good Order,” Article 4 “Camping,” is set forth in its entirety as follows:

Article IV Camping

§142-17 Purpose.

It is the purpose of this Article to:

- A. Prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by making public streets and other areas readily accessible to the public and to prevent use of public property for camping or storage of personal property which interferes with the rights of others to use the areas for which they were intended, and by prohibiting camping and the permitting of persons to camp on commercial properties .
- B. It is expressly the purpose of this chapter to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons or person who will or should be especially protected or benefitted by the terms of this chapter.

§ 142-18 Definitions.

CAMP OR CAMPING

- A. **To camp** or **camping** means to set up, pitch, use, or occupy camp materials with intent to facilitate sleeping, storage of personal belongings, or carrying on cooking activities. **To camp** or **camping** does not include merely sitting with, lying by, or possessing camp materials that are stowed, disassembled, or packed in a manner that would permit them to be immediately carried or moved.

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B. **Camp materials** means any tent, lean-to, shack, tarp, tarpaulin, hammock, vehicle or part thereof, bed, cot, sleeping bag, blanket, mattress, stove, burn barrel, newspaper, cardboard box, or other structure or device intentionally used for or in furtherance of sleeping, storing personal belongings, or carrying on cooking activities. This list is illustrative but not exhaustive.

§142-19 Sleeping on Sidewalks, Streets, Alleys, or Within Doorways Prohibited

- A. No person may sleep on public sidewalks, streets, or alleyways at any time as a matter of individual and public safety.
- B. No person may sleep in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.
- C. In addition to any other remedy provided by law, any person found in violation of this section may be immediately removed from the premises.

§142-20 Camping and Permitting to Camp Prohibited

- A. It is unlawful for any person to camp knowingly in or upon any public property or public right-of-way, including but not limited to any sidewalk, street, alley, lane, public right-of-way, park, bench, or other publicly-owned property or under any bridge or viaduct, unless:
 - 1. Otherwise specifically authorized by this Code,
 - 2. By a formal declaration of the Borough Mayor in emergency circumstances, or
 - 3. By Council resolution, the Council may permit a camping event on public property other than sidewalks, streets, or alleyways a limited duration not to exceed 3 days, to a charitable community-based volunteer organization with its principal place of operations located within the Borough of Kenilworth.
- B. It is unlawful for any person to camp knowingly in or upon any commercial property.
- C. It is unlawful for any person, firm, or corporation to permit knowingly any person to camp upon any commercial property.

§142-21 Removal of Camp Materials from Public Property

Upon discovery of a campsite on public property, which includes but is not limited to a person camping on public property, removal of the campsite by the Police Department may occur under the following circumstances:

- A. Prior to removing the campsite, the Borough shall post a notice, 24-hours in advance. After the 24-hour notice period has passed, the Police Department is authorized to remove the campsite and all personal property related thereto.
- B. For purposes of this Section, “personal property” means any item reasonably recognizable as belonging to a person and having apparent utility or monetary value. Items having no apparent utility or monetary value and items in an unsanitary condition may be immediately discarded. Weapons, drug paraphernalia, items appearing to be stolen, and evidence of a crime may be retained as evidence by the Police Department until an alternate disposition is determined. All personal property removed from the campsite which is not retained, disposed of, or held as evidence (as provided above) shall be stored by the Police Department for a minimum of 30 days, during which time it shall be reasonably available for and released to an individual confirming ownership.

§143-22 Violation and Penalties.

- A. Any person, firm or corporation who or which violates any provision of this article shall, upon conviction, be subject to the general penalty set forth in Chapter 1, Article I, General Penalty, of the Borough of Kenilworth Code.
- B. Upon conviction for a violation of this Chapter, in addition to any other factors deemed appropriate by the Court, the Court shall consider in mitigation whether or not the person, firm, or corporation immediately removed all personal property and litter, including but not limited to bottles, cans, and garbage from the campsite after being informed it was in violation of the law.

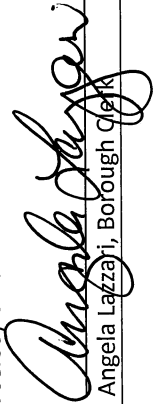
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SECTION 3. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

SECTION 4. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

SECTION 5. This Ordinance shall take effect upon final passage and publication according to law.

No Action taken by Mayor ~~*~~
Linda Karlovitch, Mayor

INTRODUCTION				COUNCILPERSON		FINAL ADOPTION				
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay
		X				PATRICK BOYLE			X	
		X				JOSEPH FINISTRELLA	X		X	
					X	TONI GIORDANO PICERNO				X
	X	X				WILLIAM MAURO		X	X	
X		X				SAVINO SCORESE			X	
		X				JOHN ZIMMERMAN				X
Introduced: September 18, 2024				I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption: October 16, 2024				 Angela Lazzari, Borough Clerk						

* Pursuant to N.J.S.A. 40A:60-5