



MOLINE CITY COUNCIL AGENDA

Tuesday, March 26, 2019

6:00 p.m.

(Immediately following the Committee-of-the-Whole meeting)

City Hall

Council Chambers – 2nd Floor

619 16th Street

Moline, IL

Call to Order

Pledge of Allegiance

Invocation – Alderman Wendt

Roll Call

Consent Agenda

All items under the consent agenda will be enacted by one motion. There will be no separate discussions of these items unless a Council Member so requests, in which case, the item will be moved from the Consent Agenda and considered as the first item after the Omnibus Vote.

COUNCIL MEMBER	PRESENT	ABSENT
Williams		
Parker		
Wendt		
Potter		
Turner		
Schoonmaker		
Waldron		
Berg		
Mayor Acri		

Approval of Minutes & Appointments Made

Committee-of-the-Whole and Council meeting minutes of March 12, 2019, and the February Financial Report.

Second Reading Ordinances

1. Council Bill/Special Ordinance 4009-2019

A Special Ordinance granting a variance to Chapter 21, “NUISANCES IN GENERAL,” of the Moline Code of Ordinances, Section 21-1100 (18), to permit Kraemer North America to proceed with construction that includes the removal of the westbound I-74 bridge structure over 7th Avenue at night and authorizing the Public Works Director to unilaterally revoke the variance, if necessary.

Explanation: Chapter 21, “NUISANCES IN GENERAL,” of the Moline Code of Ordinances, Section 21-1100(18) prohibits the use of heavy equipment for construction purposes within 500 feet of residential properties between 9:00 p.m. and 6:00 a.m. The removal of the westbound I-74 bridge structure over 7th Avenue is tentatively scheduled to begin on April 1, 2019 and is expected to last for three weeks. Kraemer proposes to perform the removal work at night to minimize the disruption to traffic, and requests permission to vary from the nuisance requirements of the Code of Ordinances.

Fiscal Impact: N/A

Public Notice/Recording: N/A

Omnibus Vote

OMNIBUS VOTE		
Council Member	Aye	Nay
Wendt		
Potter		
Turner		
Schoonmaker		
Waldron		
Berg		
Williams		
Parker		
Mayor Acri		

Non - Consent Agenda

Resolutions

2. Council Bill/Resolution 1029-2019

A Resolution authorizing the Planning and Development Department to apply to the Bi-State Regional Commission, as part of the Quad Cities Metropolitan Planning Organization, for Surface Transportation Block Grant funds (Transportation Alternatives Set-Aside Program Grant) to be administered through the Illinois Department of Transportation District 2 Office in the amount of \$259,200; and authorizing the Mayor, City Clerk, and City staff to do any and all things necessary to apply for the 2019 Transportation Alternatives Set-Aside Program Grant.

1029-2019		
Council Member	Aye	Nay
Wendt		
Potter		
Turner		
Schoonmaker		
Waldron		
Berg		
Williams		
Parker		
Mayor Acri		

Explanation: The City has the opportunity to apply for Transportation Alternatives Set-Aside (TASA) funds through the Bi-state Regional Commission’s Metropolitan Planning Organization (MPO). The TASA funds will ultimately be administered through the IDOT District 2 office. The grant proposal involves requesting \$259,200 of TASA grant funds that would be matched by \$64,800 local Motor Fuel Tax funds for a total project cost estimated at approximately \$324,000. The focus of the project would involve the design and construction of a multi-use trail facility to accommodate pedestrian and bicycle traffic. The trail would be located along 36th Avenue from 7th Street to 13th Street.

Fiscal Impact: \$64,800 of MFT funds would be utilized as a local match

Public Notice/Recording: N/A

First Reading Ordinances

3. Council Bill/General Ordinance 3009-2019

An Ordinance amending Chapter 20, “MOTOR VEHICLES AND TRAFFIC,” of the Moline Code of Ordinances, Section 20-6104, “SOLICITING RIDES OR BUSINESS,” by repealing said section in its entirety.

Explanation: Section 20-6104 of the Moline Code of Ordinances prohibits a person from standing in a roadway or in the proximity of a roadway for the purpose of soliciting rides, employment or business, and/or contributions. There is now question as to the constitutionality of panhandling ordinances in Illinois and other states. The City therefore wishes to repeal its ordinance related to these activities.

Fiscal Impact: N/A

Public Notice/Recording: N/A

Miscellaneous Business (if necessary)

Public Comment

Members of the Public are permitted to speak after coming to the podium and stating their names.

Executive Session (if necessary)

Council Bill/Special Ordinance No. 4009-2019
Sponsor: _____

A SPECIAL ORDINANCE

GRANTING a variance to Chapter 21, “NUISANCES IN GENERAL,” of the Moline Code of Ordinances, Section 21-1100(18), to permit Kraemer North America to proceed with construction that includes the removal of the westbound I-74 bridge structure over 7th Avenue at night; and

AUTHORIZING the Public Works Director to unilaterally revoke the variance, if necessary.

WHEREAS, Chapter 21, “NUISANCES IN GENERAL,” of the Moline Code of Ordinances, Section 21-1100 (18), prohibits the use of heavy equipment for construction purposes within 500 feet of residential properties between 9:00 p.m. and 6:00 a.m.; and

WHEREAS, the removal of the westbound I-74 bridge structure over 7th Avenue is tentatively scheduled to begin on April 1, 2019, and is expected to last for three weeks; and

WHEREAS, Kraemer North America proposes to perform the removal work at night to minimize the disruption to traffic and requests permission to vary from the Code of Ordinances; and

WHEREAS, at the March 5, 2019, Committee-of-the-Whole meeting, the City Council authorized the Public Works Director to unilaterally revoke the variance, if necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

Section 1 – That this Council hereby finds and declares that it is in the best interest of the City of Moline, Illinois, to grant a variance to Chapter 21, “NUISANCES IN GENERAL,” of the Moline Code of Ordinances, Section 21-1100(18), to permit Kraemer North America to proceed with construction that includes the removal of the westbound I-74 bridge structure over 7th Avenue at night and authorize the Public Works Director to unilaterally revoke the variance, if necessary.

Section 2 – That this ordinance shall not constitute a repeal of any or all ordinances or resolutions in conflict herewith but shall be construed as a one-time variance with regard to such conflicting ordinances or resolutions.

Section 3 – That this ordinance is an exercise of the City’s home rule powers granted to it by virtue of Article VII, Section 6 of the 1970 Illinois Constitution, and shall therefore take precedence over any conflicting State Statutes or rules.

Section 4 – That this ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law.

CITY OF MOLINE, ILLINOIS

Mayor

Date

Passed: _____

Approved: _____

Attest: _____
City Clerk

Approved as to Form:

City Attorney

CHAPTER 21

NUISANCES IN GENERAL

Art. I. General Provisions, §21-1100 - §21-1104

Art. II. Chronic Nuisance Property and Aggravated Chronic Nuisance Property, §21-2101 - §21-2107

ARTICLE I. GENERAL PROVISIONS

SEC. 21-1100. DEFINED.

Within the City, it is hereby declared a nuisance for any person:

- (1) **Nuisances defined by state law; nuisances in fact.** To cause any of those acts or omissions that are declared to be nuisances by the laws of the state, and such as are known as nuisances to the common law, not hereinafter enumerated in this section or this Code; or to cause those acts or omissions which are nuisances in fact.
 - (2) **Nuisances defined by this Code.** To cause any of those acts or omissions that is declared by this Code to be nuisances.
 - (3) **Unsafe, unsightly structures.** To maintain any building, structure, street, sign or billboard in an unsafe, hazardous, or unsightly condition.
 - (4) **Distillery, slaughterhouse, etc.** To carry on, use, or occupy any distillery or slaughtering establishment, or establishment for steaming or rendering lard, tallow, offal, dead animals, or other substance of like nature, without the permission of the City Council.
 - (5) **Odors.** To engage in any activity which causes or produces unreasonably offensive odors, except that this subsection shall not apply to those activities carried on in the public interest.
 - (6) **Putrid substances.** Maintain or permit any substance on the premises which is, or may become, putrid or create an unhealthy condition.
 - (7) **Noises.**
 - a. To cause or allow unreasonably loud noises tending to cause alarm or to disturb the public peace and quiet.
 - b. Noise measurements, as set forth in Section 35-5409(d), are not required to establish a violation of this subdivision. However, noise measurements may be introduced as corroborating evidence when alleging a violation of this subsection.
 - c. If noise measurements are collected, manufacturer's instructions for the equipment used should be followed and Section 35-5409(d) may be, but is not required to be, used as guidance in gathering data.
- (Ord. No. 3001-2015; Sec. 21-1100(7) repealed in its entirety; new Sec. 21-1100(7) enacted; 01/27/15; corrected scrivener's error by amending the reference to Section 35-5409(e) herein to Section 35-5409(d); 08/09/16)
- (8) **Licenses.** To fail or refuse to obtain and possess any license required by this Code or other ordinance of the City.
 - (9) **Continuing violations of this Code.** To continue to do any act, acts, omission or omissions which constitutes a violation of this Code or other ordinance of the City.

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- (10) **Attractive nuisances.** For the owner or occupant of any premises to create, maintain, or suffer an attractive nuisance to remain on the premises.
- (11) **Zoning violations.** To violate the Zoning Ordinance of the City.
- (12) **Unhealthy conditions.** To create, allow, maintain, or permit any condition which may endanger the public health.
- (13) **Encroachments.** To cause, allow, permit, or suffer any encroachment upon public ways or upon public grounds without obtaining a permit therefor.
- (14) **Unlawful assemblies.** To organize, lead, or participate in any unlawful assembly of persons.
- (15) **Violation of technical Codes.** To cause, allow, permit, or suffer the violation of the Building Code of the City, the Electrical Code of the City, the Fire Prevention Code of the City, the Heating and Air Conditioning Code of the City, the Plumbing Code of the City, or any other technical Code adopted by any provision of this Code or any other ordinance of the City.
- (16) **Abandoned refrigerators.** To leave or permit standing outside of any structure, or within any abandoned structure, in a place accessible to children, any abandoned, unattended, or discarded icebox, refrigerator, or other container which has an air tight door or lid with a snap lock or other locking device which cannot be released from the inside; except that it shall not be a nuisance under the subsection if the door is first removed from the device.
- (17) **Littering.** To allow, suffer, permit, or cause to be dropped, thrown, discarded, placed, or deposited on any public way or public place, or on any private property when public property may be affected thereby, any paper, glass, plastic, wood, metal, solid or liquid vegetable or animal compound, rubbish, garbage, waste, effluent, junk, debris, litter, solid, or any combination thereof, except in a refuse receptacle or landfill site of the City.
- (18) **Construction and heavy equipment noise.** To allow, suffer, permit or cause to be operated, or, otherwise engaged vehicles licensed by the State of Illinois or another state as a second division truck exceeding gross vehicle weight of thirty thousand (30,000) pounds or unlicensed motor vehicles used in the construction industry and commonly referred to as heavy construction equipment (such equipment to include but not to be limited to road graders, back hoes, steam rollers and crane) for the purpose of making commercial deliveries or engaging in building construction, other construction, or making commercial pickups, such as refuse collections, at any location within five hundred (500) feet of a residential use, prior to 6:00 a.m. on any day and after 9:00 p.m. on any day; however, this prohibition shall not apply in cases where a repair is immediately required for the protection of life or property. Nothing herein is intended to prohibit mere travel of legally authorized vehicles upon the streets of the City.
- (19) **Graffiti.**
 - a. Graffiti shall be defined as any sign, symbol, marking, drawing, name, initial, word, diagram, sketch, picture or letter placed upon the real or personal property of an owner without the owner's express, written permission; provided, however, it shall not be a defense that the owner/occupant has given permission where this graffiti tends to incite violence.
 - b. It shall be unlawful for any person to place graffiti upon the real or personal, public or private, property of another.
 - c. It shall be unlawful for the owner and/or occupant of fixed real or personal property located within the public view to place or give permission to place graffiti, as otherwise defined in subsection a., on said real or personal property if the graffiti tends to incite violence by referring to gang or criminal activity, depicts or expresses obscenity as defined in Chapter

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22, Sec. 22-7200, of the Moline Code of Ordinances, or contains defamatory material about a public or private person, except as otherwise allowed by law.

- d. It shall be unlawful for any person to possess, while in any public building or facility, or while on private property, any of the following materials with the intent to use such material(s) to violate subsection b. and/or c. above: spray paint containers, paint, ink, marking pens containing non-water soluble fluid, brushes, applicators or other materials for marking, scratching or etching.
- e. Upon being notified, in writing, by the City of Moline, the property owner upon which graffiti has been illegally placed shall remove the graffiti within fifteen (15) days of the date of notice. By written request, this time period may be waived due to weather conditions by the chief of police or designee thereof. The property owner may also request assistance, in writing, for the graffiti removal based on the owner's inability to perform removal. Failure to remove the graffiti within the specified time shall cause the summary abatement of this nuisance as prescribed in this chapter and costs shall be assessed to the owner. The penalty upon conviction for the offense of failure to remove graffiti shall be a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense and each day such failure shall continue shall be considered a separate offense and fines shall be assessed accordingly.
- f. Penalty for violating subsection b. shall be a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00). The offender may also be ordered by the court, in addition to fines, to pay restitution to the property owner for the costs of restoring the property to its condition before the graffiti was applied.
- g. Penalty for violating subsection c. shall consist of a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- h. Penalty for violating subsection d. shall be a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00).
- i. Public service work including, but not limited to, cleaning graffiti at locations within the City of Moline may be required by the court for persons convicted of violating subsections b., c., or d., in addition to or in lieu of fines or penalties described in subsections f., g., and h.

(Ord. No. 95-2-2, Sec. 21-1100 amended by enacting new subsection (19); 02/14/95; Ord. No. 98-10-1; Sec. 21-1100(19) repealed in its entirety; new Sec. 21-1100 (19) enacted; 10/06/98)

(20) **Barbed wire.** To construct, create, allow, maintain or permit within the City a fence or barrier, consisting or made of barbed wire, or of which barbed wire is a part, unless the barbed wire commences at least eight feet above the ground.

(21) **Abandoned or Inoperable Vehicles.**

- a. To allow, cause or permit an abandoned or inoperable vehicle as defined in Section 20-7400 to be present and open to the view of the public.
- b. Penalty. Any person violating Section 21-1100(21) shall be subject to a mandatory fine of not less than one hundred dollars (\$100.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs.

(22) **Garbage and Debris.**

- a. Who is the owner of any parcel of private property to refuse or neglect to remove garbage or debris from said parcel.
- b. Except for garbage and debris set out for normal garbage collection or that has been scheduled as a special bulky item or items pickup through the City's public works department per Section 15-2201(e) of the Code.
- c. All provisions of Section 32-1100(e), (f), (g), (h), (i) and (j) shall apply.

(Ord. No. 3008-2004; Sec. 21-1100(21) enacted new; 02/03/04) (Ord. No. 3052-2017; Sec. 21-1100(22) enacted new; 12/19/17)

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SEC. 21-1101. NUISANCES CONSTITUTE VIOLATION.

It shall be unlawful for any person to create or maintain or permit the creation or maintenance of a nuisance as above defined upon property under such person's control. A person who violates this section shall be guilty of violation of this Code and such violation shall be punished as set forth within each subsection unless no punishment is set forth in said subsection, in which case the violation will be punished as set forth in Chapter 1, Sec.1-1107 of this Code. Nothing herein shall be construed to limit injunctive or other equitable relief.

(Ord. No. 95-2-2; Sec. 21-1101 repealed in its entirety; new Sec. 21-1101 enacted; 02/14/95)

SEC. 21-1102. STANDING TO COMPLAIN.

The following shall have standing to complain of any condition declared to be a nuisance by this chapter:

- (1) The City;
- (2) Any person whose interest, rights or property are particularly adversely affected by the nuisance.

SEC. 21-1103. ABATEMENT PROCEEDINGS IN GENERAL.

Any person having standing to complain of a nuisance under this chapter, or the head of any City department having cognizance of a nuisance, shall report the fact of the nuisance and the details surrounding it to the city attorney who shall, if it is justified under the circumstances, institute abatement proceedings in accordance with the laws of the state.

SEC. 21-1104. EMERGENCY ABATEMENT OF CERTAIN NUISANCES.

When a nuisance as defined by this chapter exists and the nuisance causes or threatens imminent danger or great peril to persons or property, the nuisance may be immediately abated by the City, by using the following procedure:

- (1) The city administrator shall find that the nuisance exists, and that the nuisance causes or threatens imminent danger or great peril to persons or property, and that an emergency exists.

(Ord. No. 92-6-1; Sec. 21-1104(1) repealed in its entirety; new subsection 21-1104(1) enacted; 06/02/92)

- (2) A copy of the city administrator's findings made under subsection (1) shall be placed on file in the office of the city clerk.

(Ord. No. 92-6-1; Sec. 21-1104(2) repealed in its entirety; new subsection 21-1104(2) enacted; 06/02/92)

- (3) The city clerk shall immediately issue a notice directed to the owner or occupant of the premises on which the nuisance exists, directing the owner or occupant to immediately abate the nuisance.

- (4) The notice issued pursuant to subsection (3) shall be served upon the owner or occupant of the premises upon which the nuisance exists. The notice may be served by any officer or employee of the City. In the event that the owner or occupant of the premises is not to be found, the notice may be posted on the premises on which the nuisance exists.

- (5) Upon being served with a notice to abate a nuisance as provided in subsection (4), the owner or occupant of the premises on which the nuisance is located shall immediately abate the nuisance. The failure of the owner or occupant to immediately abate the nuisance upon service or posting of the notice shall be a violation of this Code and shall be punished as provided in Sec. 1-1107 of this Code.

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- (6) In the event that the owner or occupant of a premises on which a nuisance is ordered to be abated under this section does not immediately abate the nuisance, the appropriate City department shall immediately abate the nuisance. The cost of the abatement by the City shall be assessed against the property on which the nuisance existed, and shall be collected as other special assessments.

ARTICLE II. CHRONIC NUISANCE PROPERTY AND AGGRAVATED CHRONIC NUISANCE PROPERTY

SEC. 21-2101. VIOLATION OF THIS ARTICLE.

(a) Any certain property within the City of Moline which becomes a chronic nuisance property or an aggravated chronic nuisance property is in violation of this article and is subject to its remedies.

(b) Any owner or person in charge who permits property under his or her ownership or control to be a chronic nuisance property or an aggravated chronic nuisance property shall be in violation of this article and subject to its remedies.

SEC. 21-2102. DEFINITIONS.

(a) **Chronic nuisance property.** Property upon which three (3) or more of the criminal or other offenses listed below have occurred during any 365-day period, as a result of any three (3) separate and distinct events.

- (1) First degree murder as defined in 720 ILCS 5/9-1;
- (2) Any kidnapping offense as defined in 720 ILCS 5/10-1 et seq.;
- (3) Criminal Housing Management as defined in 720 ILCS 5/12-5.1;
- (4) Possession of explosives or incendiary devices as defined in 720 ILCS 5/20-2;
- (5) Any offense involving deadly weapons as defined in 720 ILCS 5/24 et seq.;
- (6) Mob action as defined in 720 ILCS 5/25-1;
- (7) Possession, manufacture or delivery of controlled substances as defined in 720 ILCS 570/401 et seq.;
- (8) Sexual abuse or related offenses as defined in 720 ILCS 5/12-15 et seq.;
- (9) Possession, cultivation, manufacture or delivery of cannabis as defined in 720 ILCS 550/1 et seq. or Section 22-1106 of the Moline Code of Ordinances;
- (10) Sale, delivery or possession of drug paraphernalia, as defined in 720 ILCS 600/3 or Section 22-1201, 22-1202, and 22-1203 of the Moline Code of Ordinances;
- (11) Disorderly conduct as defined in 720 ILCS 5/26-1 or Section 22-2100 of the Moline Code of Ordinances;
- (12) Gambling as defined in 720 ILCS 5/28-1;
- (13) Assault or battery or any related offense as defined in 720 ILCS 5/12-1 et seq. or Section 22-2101 or Section 22-2102 of the Moline Code of Ordinances;

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- (14) Public indecency as defined in 720 ILCS 5/11-9;
- (15) Prostitution as defined in 720 ILCS 5/11-14 et seq.;
- (16) Criminal damage to property as defined in 720 ILCS 5/21 et seq. or Section 22-3100 of the Moline Code of Ordinances;
- (17) Illegal consumption or possession of alcohol as defined in 235 ILCS 5/1-1 et seq. or Section 4-5102 or Section 4-5104 of the Moline Code of Ordinances;
- (18) An order imposing a fine or other sanction for violation of Chapter 8 of the Moline Code of Ordinances, which order is issued by the administrative hearing officer pursuant to Sections 2-6100 through 2-6117 of the Moline Code of Ordinances or by a Court;
- (19) A violation of Chapter 32 of the Moline Code of Ordinances, which violation is not remedied within the time allotted after service of a notice to abate or correct as provided in Chapter 32;
- (20) Violation of the City nuisance ordinance, Sections 21-1100 and 21-1101, of the Moline Code of Ordinances;
- (21) Violation of the City of Moline's Liquor Ordinance as set forth in Chapter 4 of the Moline Code of Ordinances or violation of the State of Illinois Statute controlling or regulating the sale or use of alcoholic beverages.
- (22) Violation of the Methamphetamine Control and Community Protection Act, 720 ILCS 646/1 et seq.;
- (23) Exemptions. The following shall not be considered in the determination of a chronic nuisance property:
 - a. Contact made to police or other emergency services, if (i) the contact was made with the intent to prevent or respond to domestic violence or sexual violence; (ii) the intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or (iii) the contact was made by, on behalf of, or otherwise concerns an individual with a disability and the purpose of the contact was related to that individual's disability;
 - b. An incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the dwelling unit or on the premises; or
 - c. Criminal activity or a local ordinance violation occurring in the dwelling unit or on the premises that is directly relating to domestic violence or sexual violence, engaged in by a tenant, member of a tenant's household, guest, or other party, and against a tenant, household member, guest, or other party.

(Ord. No. 3037-2018; new subsections enacted: 21-2102(a)(22), (a)(23); 10/09/18)

(b) **Aggravated chronic nuisance property.** Property upon which two (2) or more of the criminal offenses listed below have occurred during any 365-day period, as a result of any two (2) separate and distinct events.

- (1) First degree murder as defined in 720 ILCS 5/9-1;
- (2) Any kidnapping offense as defined in 720 ILCS 5/10-1 et seq.;
- (3) Criminal Housing Management as defined in 720 ILCS 5/12-5.1;
- (4) Possession of explosives or incendiary devices as defined in 720 ILCS 5/20-2;

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- (5) Any offense involving deadly weapons as defined in 720 ILCS 5/24 et seq.;
- (6) Mob action as defined in 720 ILCS 5/25-1 (a)(1), (d), (e);
- (7) Possession, manufacture or delivery of controlled substances as defined in 720 ILCS 570/401 et seq.;
- (8) Sexual abuse or related offenses as defined in 720 ILCS 5/12-15 et seq.;
- (9) Possession, cultivation, manufacture of delivery of cannabis as defined in 720 ILCS 550/1 et seq. and Section 22-1106 of the Moline Code of Ordinances;
- (10) Sale, delivery or possession of drug paraphernalia, as defined in 720 ILCS 600/3 and Section 22-1201, 22-1202, and 22-1203 of the Moline Code of Ordinances.
- (11) Violation of the Methamphetamine Control and Community Protection Act, 720 ILCS 646/1 et seq.;
- (12) Prostitution as defined in 720 ILCS 5/11-14 et seq.;
- (13) Exemptions. The following shall not be considered in the determination of an aggravated chronic nuisance property:
 - a. Contact made to police or other emergency services, if (i) the contact was made with the intent to prevent or respond to domestic violence or sexual violence; (ii) the intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or (iii) the contact was made by, on behalf of, or otherwise concerns an individual with a disability and the purpose of the contact was related to that individual's disability;
 - b. An incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the dwelling unit or on the premises; or
 - c. Criminal activity or a local ordinance violation occurring in the dwelling unit or on the premises that is directly relating to domestic violence or sexual violence, engaged in by a tenant, member of a tenant's household, guest, or other party, and against a tenant, household member, guest, or other party.

(Ord. No. 3037-2018; new subsections enacted: 21-2102(b)(11), (b)(12), (b13); 10/09/18)

(c) **Control.** The ability to regulate, restrain, dominate, counteract or govern conduct that occurs on that property.

(d) **Court.** A court of competent jurisdiction in the State of Illinois or the City's system of administrative adjudication, commonly known as the Municipal Code Enforcement System ("MUNICES").

(e) **Owner.** Any person, partnership, land trust, or corporation having any legal or equitable interest in the property. Owner includes, but is not limited to:

- (1) A mortgagee in possession in whom is vested (a) all or part of the legal title to the property; or (b) all or part of the beneficial ownership and the right to the present use and enjoyment of the premises; or
- (2) An occupant who can control what occurs on the property; or
- (3) Any person acting as an agent of an owner.

(f) **Permit.** To suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

Supplement No. 12

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(g) **Person.** Any natural person, association, partnership, corporation or other entity capable of owning or using property in the City of Moline.

(h) **Person in charge.** Any person in actual or constructive possession of a property, including but not limited to an owner, occupant of property under his or her domain, ownership or control.

(i) **Property.** Any real property, including that which is affixed, incidental or pertinent to land, including but not limited to any premises, room, house, building or structure or any separate part or portion thereof, whether permitted or not.

SEC. 21-2103. REMEDIES.

(a) In the event the court determines the property to be a chronic nuisance property or an aggravated chronic nuisance property, the court may order that the property be closed and secured against all use and occupancy for a period of not less than thirty (30) days, but not more than one hundred eighty (180) days, or may employ any other remedy deemed by it to be appropriate to abate the nuisance.

(b) In addition to Sec. 21-2103(a) above, the court may impose upon the owner a civil penalty in accordance with Sec. 1-1107 of the Moline Code of Ordinances for each day the owner had actual knowledge that the property was a chronic nuisance property or an aggravated chronic nuisance property and permitted the property to remain a chronic nuisance property or an aggravated chronic nuisance property.

(c) In determining what remedy or remedies shall be employed, the court may consider evidence of other conduct which has occurred on the property, including, but not limited to:

- (1) The actions or lack of action taken by the owner to mitigate or correct the problem at the property;
- (2) Whether the problem at the property was repeated or continuous;
- (3) The magnitude or gravity of the problem;
- (4) The cooperation of the person in charge with the City;
- (5) The cost to the City to investigate and correct or attempt to correct the condition;
- (6) The disturbance of neighbors;
- (7) The recurrence of loud and obnoxious noises; and/or
- (8) Repeated consumption of alcohol in public.

(d) The court may authorize the City of Moline to physically secure the property against use or occupancy in the event the owner fails to do so within the time specified by the court or to take other steps necessary to abate a chronic nuisance or an aggravated chronic nuisance.

(e) In the event that the City is authorized to secure the property or otherwise abate a chronic nuisance or an aggravated chronic nuisance, all costs reasonably incurred by the City to effect a closure or abate the nuisance shall be assessed against the owner.

(f) In the court's discretion, a tenant may be entitled to his or her reasonable relocation costs from the owner, as those costs are determined by the court if, without actual notice, the tenant moved into the property, after the owner received notice as described herein of the neighborhood improvement officer's determination as described below.

NUISANCES IN GENERAL

(g) The City, in addition to any other remedies set forth herein, may, at its discretion, charge an owner of a chronic public nuisance or an aggravated chronic public nuisance with a violation of this article which may be processed and prosecuted as an ordinance violation. Any person violating Section 21-2101 shall be subject to a mandatory fine of not less than two hundred fifty dollars (\$250.00) plus court costs.

(h) In addition to other remedies available, the court may order the owner or person in control of the nuisance property to post a reasonable bond to assure future compliance with the statutes of the State of Illinois and the ordinances of the City of Moline for a reasonable period of time, not to exceed one (1) year.

SEC. 21-2104. NOTIFICATION OF PROCEDURE.

(a) When the neighborhood improvement officer receives three (3) or more police or inspection reports documenting the occurrence of nuisance activity, as defined by Section 21-2102(a) of this chapter, or two or more police or inspection reports documenting the occurrence of nuisance activity, as defined by Section 21-2102(b) of this chapter, on or within a property, the neighborhood improvement officer shall independently review such reports to determine whether they describe acts set forth in Section 21-2102(a) or (b) of this chapter. Upon such findings, the neighborhood improvement officer shall notify the owner or person in control in writing that the property has been determined to be a chronic nuisance or an aggravated chronic nuisance property. The notice shall contain the following information:

- (1) The street address or legal description sufficient for identification of the property;
- (2) A statement that the neighborhood improvement officer has determined the property to be a chronic nuisance property or aggravated chronic nuisance property with a concise description of the nuisance activities leading to his/her findings;
- (3) Demand that the owner respond within ten (10) days to the neighborhood improvement officer and propose a course of action that the neighborhood improvement officer agrees will abate the nuisance activities giving rise to the violation;
- (4) Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the owner at the address of the property believed to be a chronic nuisance property, or such other place which is likely to give the person in charge notice of the determination by the neighborhood improvement officer;
- (5) A copy of the notice shall be served on the owner at such address as shown on the tax rolls of the county in which the property is located, and/or the occupant, at the address of the property, if these persons are different than the owner, and shall be made either personally or by first class mail, postage prepaid;
- (6) A copy of the notice shall also be posted at the property after ten (10) days has elapsed from the service or mailing of the notice to the owner and the owner has not contacted the neighborhood improvement officer.

Nothing herein shall prohibit the neighborhood improvement officer from sending a warning letter that a property is in danger of becoming a chronic nuisance or an aggravated chronic nuisance property after receiving one or more police or inspection reports documenting the occurrence of nuisance activity, as defined in Section 21-2102(a) and (b) of this chapter. Such warning is not required.

(b) The failure of any person to receive notice that the property may be a chronic nuisance property or aggravated chronic nuisance property shall not invalidate or otherwise affect the proceedings under this article.

MOLINE CODE OF ORDINANCES

(c) If after the notification, but prior to the commencement of legal proceedings by the City pursuant to this article, an owner stipulates with the neighborhood improvement officer that the owner will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation, the neighborhood improvement officer may agree to postpone legal proceedings for not less than ten (10) days nor more than thirty (30) days. If the agreed course of action does not result in the abatement of the nuisance activity or if no agreement concerning abatement is reached within thirty (30) days, the City of Moline shall commence a legal proceeding to abate the nuisance.

SEC. 21-2105. COMMENCEMENT OF ACTION, BURDEN OF PROOF.

(a) The City of Moline may commence an action to abate a chronic nuisance or an aggravated chronic nuisance as described in Section 21-2102(a) and (b).

(b) In an action seeking abatement of a chronic nuisance property or aggravated chronic nuisance property, the City shall have the initial burden of showing by preponderance of the evidence that the property is a chronic nuisance property or an aggravated chronic nuisance property.

(c) It is a defense to an action seeking the closure of chronic nuisance property or an aggravated chronic nuisance property that the owner or person in control of the property at the time in question could not, in the exercise of reasonable care or diligence, determine that the property had become a chronic nuisance property or an aggravated chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the findings that the property is a chronic nuisance property or an aggravated chronic nuisance property.

SEC. 21-2106. EMERGENCY CLOSING PROCEDURES.

(a) In the event that it is determined that the property is an immediate threat to the public safety and welfare, the City may apply to the court for such interim relief, as is deemed by the city attorney to be appropriate. In such an event, the notification provision set forth in Section 21-2104 above need not be complied with; however, the City shall make a diligent effort to notify the person in charge prior to a court hearing. In the alternative, the City may proceed under Section 21-1104 for emergency abatement.

(b) In the event that the court finds the property constitutes a chronic nuisance property or an aggravated chronic nuisance property and finds that the property is an immediate threat to the public safety and welfare, the court may order the remedies set forth in Section 21-2103 of this chapter.

SEC. 21-2107. SEVERABILITY.

If any provision of this article or its application, or any person or circumstances held to be invalid for any reason, the remainder of said application of its provisions to the other persons or circumstances shall not be in any way affected.

Note:

- 1. Chapter 21 repealed in its entirety and a new Chapter enacted in lieu thereof per G.O. No. 3042-2012; 12/11/12**
- 2. Prior and subsequent ordinance amendments are referenced by their ordinance numbers and adoption dates at the end of the corresponding section or subsection.**

A RESOLUTION

AUTHORIZING the Planning and Development Department to apply to the Bi-State Regional Commission as part of the Quad Cities Metropolitan Planning Organization Surface Transportation Block Grant funds (Transportation Alternatives Set-Aside Program Grant) to be administered through the Illinois Department of Transportation District 2 Office in the amount of \$259,200; and

AUTHORIZING The Mayor, City Clerk, and City staff to do any and all things necessary to apply for the 2019 Transportation Alternatives Set-Aside Program Grant.

WHEREAS, City plans, studies, and policies have established a need for expanded and enhanced alternative transportation facilities such as bicycle and pedestrian accommodations; and

WHEREAS, the 2019 Transportation Alternatives Set-Aside Program Grant funding will provide assistance for eligible uses such as the construction of multi-use trail facilities; and

WHEREAS, the 2019 Transportation Alternatives Set-Aside Program Grant requires a minimum local match of at least 20 percent of the total project cost; and

WHEREAS, City staff recommends the use of Motor Fuel Tax Funds to be used for said local match requirements; and

WHEREAS, City staff will facilitate the submittal of said grant application; and

WHEREAS, this City Council hereby affirms their support of the herein referenced grant application and multi-use trail project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

That the Department of Planning & Development is hereby authorized to make application to the Bi-State Regional Commission as part of the Quad Cities Metropolitan Planning Organization Surface Transportation Block Grant funds (Transportation Alternatives Set-Aside Program Grant) for a 2019 Transportation Alternatives Set-Aside Program Grant in the amount of \$259,200.

BE IT FURTHER RESOLVED that the Mayor, City Clerk, and City staff are hereby authorized to do any and all things necessary to apply for the Quad Cities Metropolitan Planning Organization Surface Transportation Block Grant funds (Transportation Alternatives Set-Aside Program Grant) Grant.

CITY OF MOLINE

Mayor

Date

Passed: _____

Approved: _____

Attest: _____

City Clerk

APPROVED AS TO FORM:

City Attorney

Council Bill/General Ordinance No. 3009-2019

Sponsor: _____

AN ORDINANCE

AMENDING Chapter 20, "MOTOR VEHICLES AND TRAFFIC," of the Moline Code of Ordinances, Section 20-6104, "SOLICITING RIDES OR BUSINESS," by repealing said section in its entirety.

WHEREAS, Section 20-6104 of the Moline Code of Ordinances prohibits a person from standing in a roadway or in the proximity of a roadway for the purpose of soliciting rides, employment or business, and/or contributions; and

WHEREAS, there is now question as to the constitutionality of panhandling ordinances in Illinois and other states; the City therefore wishes to repeal its ordinance related to these activities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

Section 1 – That Chapter 20, "MOTOR VEHICLES AND TRAFFIC," of the Moline Code of Ordinances, Section 20-6104, "SOLICITING RIDES OR BUSINESS," is hereby amended by repealing said section in its entirety.

Section 2 – That this ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law.

CITY OF MOLINE, ILLINOIS

Mayor

Date

Passed: _____

Approved: _____

Attest: _____

City Clerk

Approved as to Form:

City Attorney

City of Moline

February 2019
Financial Report

**CITY OF MOLINE
SUMMARY OF REVENUE AND EXPENDITURES
AS OF 2/28/2019**

	BUDGET	YTD ACTUAL	VARIANCE
GENERAL FUND			
Revenues	\$43,681,855	\$6,008,232	\$37,673,623
Expenditures	\$43,681,855	\$5,489,826	\$38,192,029
Difference	\$0	\$518,406	
GENERAL TRUST FUND			
Revenues	\$426,000	\$107,149	\$318,851
Expenditures	\$426,000	\$71,903	\$354,097
Difference	\$0	\$35,246	
TOURISM FUND			
Revenues	\$250,000	\$2,099	\$247,901
Expenditures	\$250,000	\$0	\$250,000
Difference	\$0	\$2,099	
ABANDONED PROPERTY ROUND 2			
Revenues	\$40,000	\$0	\$40,000
Expenditures	\$40,000	\$0	\$40,000
Difference	\$0	\$0	
ABANDONED PROPERTY ROUND 3			
Revenues	\$40,000	\$0	\$40,000
Expenditures	\$40,000	\$0	\$40,000
Difference	\$0	\$0	
NSP2 GRANT			
Revenues	\$0	\$319,948	(\$319,948)
Expenditures	\$0	\$2,767	(\$2,767)
Difference	\$0	\$317,181	
HOME ACCESSIBILITY PROGRAM			
Revenues	\$94,435	\$0	\$94,435
Expenditures	\$94,435	\$30	\$94,405
Difference	\$0	(\$30)	
SINGLE FAMILY REHAB			
Revenues	\$60,335	\$0	\$60,335
Expenditures	\$60,335	\$450	\$59,885
Difference	\$0	(\$450)	
LIBRARY FUND			
Revenues	\$3,885,855	\$155,963	\$3,729,892
Expenditures	\$3,885,855	\$492,369	\$3,393,486
Difference	\$0	(\$336,406)	
PARK FUND			
Revenues	\$3,984,960	\$385,172	\$3,599,788
Expenditures	\$3,984,960	\$439,072	\$3,545,888
Difference	\$0	(\$53,901)	

	BUDGET	YTD ACTUAL	VARIANCE
MOTOR FUEL TAX FUND			
Revenues	\$1,097,945	\$284,466	\$813,479
Expenditures	\$1,097,945	\$0	\$1,097,945
Difference	\$0	\$284,466	
COMMUNITY DEVELOPMENT			
Revenues	\$932,110	\$99,889	\$832,221
Expenditures	\$932,110	\$87,672	\$844,438
Difference	\$0	\$12,218	
REVOLVING LOAN FUND			
Revenues	\$153,960	\$1,608	\$152,352
Expenditures	\$153,960	\$0	\$153,960
Difference	\$0	\$1,608	
TIF #1 DOWNTOWN			
Revenues	\$3,311,445	\$224,654	\$3,086,791
Expenditures	\$3,311,445	\$472,611	\$2,838,834
Difference	\$0	(\$247,957)	
TIF #2 ONE MOLINE PLACE			
Revenues	\$243,540	\$40	\$243,500
Expenditures	\$243,540	\$0	\$243,540
Difference	\$0	\$40	
TIF #3 OLD HIGH SCHOOL			
Revenues	\$108,705	\$297	\$108,408
Expenditures	\$108,705	\$1,964	\$106,741
Difference	\$0	(\$1,667)	
TIF #5 KONE CENTRE			
Revenues	\$539,095	\$515,401	\$23,694
Expenditures	\$539,095	(\$420,098)	\$959,193
Difference	\$0	\$935,499	
TIF #6 MOLINE PL PHASE II			
Revenues	\$398,610	\$2	\$398,608
Expenditures	\$398,610	\$0	\$398,610
Difference	\$0	\$2	
TIF #7 BUSINESS PARK			
Revenues	\$598,715	\$0	\$598,715
Expenditures	\$598,715	\$0	\$598,715
Difference	\$0	\$0	
TIF #9 Route 150			
Revenues	\$17,850	\$33	\$17,817
Expenditures	\$17,850	\$0	\$17,850
Difference	\$0	\$33	
TIF #8 MALL AREA			
Revenues	\$86,700	\$14	\$86,686
Expenditures	\$86,700	\$1,516	\$85,184
Difference	\$0	(\$1,502)	

	BUDGET	YTD ACTUAL	VARIANCE
TIF #10 Health Park			
Revenues	\$155,625	\$26	\$155,599
Expenditures	\$155,625	\$2,184	\$153,441
Difference	\$0	(\$2,158)	
SPECIAL SERVICE AREA #5			
Revenues	\$169,645	\$67,474	\$102,171
Expenditures	\$169,645	\$82,624	\$87,021
Difference	\$0	(\$15,149)	
SPECIAL SERVICE AREA #6			
Revenues	\$269,630	\$14,545	\$255,085
Expenditures	\$269,630	\$11,344	\$258,286
Difference	\$0	\$3,200	
BUSINESS DISTRICT/AOC			
Revenues	\$7,500	\$0	\$7,500
Expenditures	\$7,500	\$0	\$7,500
Difference	\$0	\$0	
Special Service Area #7			
Revenues	\$57,985	\$0	\$57,985
Expenditures	\$57,985	\$80	\$57,905
Difference	\$0	(\$80)	
TIF #11 MULTI MODAL			
Revenues	\$233,970	\$59	\$233,911
Expenditures	\$233,970	\$0	\$233,970
Difference	\$0	\$59	
TIF #12 RIVERBEND COMMONS			
Revenues	\$1,928,240	\$2,087	\$1,926,153
Expenditures	\$1,928,240	\$0	\$1,928,240
Difference	\$0	\$2,087	
TIF #13 MOLINE CENTRE			
Revenues	\$394,910	\$1,116	\$393,794
Expenditures	\$394,910	\$0	\$394,910
Difference	\$0	\$1,116	
WATER FUND			
Revenues	\$10,197,770	\$1,631,429	\$8,566,341
Expenditures	\$10,197,770	\$1,750,569	\$8,447,201
Difference	\$0	(\$119,140)	
WPC FUND			
Revenues	\$10,519,570	\$1,746,486	\$8,773,084
Expenditures	\$10,519,570	\$776,320	\$9,743,250
Difference	\$0	\$970,165	
STORMWATER UTILITY			
Revenues	\$1,015,000	\$183,350	\$831,650
Expenditures	\$1,015,000	\$97,260	\$917,740
Difference	\$0	\$86,090	

	BUDGET	YTD ACTUAL	VARIANCE
FIRE PENSION			
Revenues	\$9,592,140	\$1,912,973	\$7,679,167
Expenditures	\$9,592,140	\$505,478	\$9,086,662
Difference	\$0	\$1,407,494	
REHER ART GALLERY			
Revenues	\$38,000	\$1	\$37,999
Expenditures	\$38,000	\$0	\$38,000
Difference	\$0	\$1	
PERPETUAL CARE FUND			
Revenues	\$20,740	\$4,450	\$16,290
Expenditures	\$20,740	\$0	\$20,740
Difference	\$0	\$4,450	
PARK/CEMETERY GIFTS			
Revenues	\$12,000	\$14,491	(\$2,491)
Expenditures	\$12,000	\$3,191	\$8,810
Difference	\$0	\$11,301	
FOREIGN FIRE INS TAX			
Revenues	\$70,225	\$0	\$70,225
Expenditures	\$70,225	\$10,963	\$59,262
Difference	\$0	(\$10,963)	
POLICE PENSION			
Revenues	\$9,464,660	\$224,694	\$9,239,966
Expenditures	\$9,464,660	\$910,912	\$8,553,748
Difference	\$0	(\$686,218)	
LIBRARY TRUST			
Revenues	\$135,000	\$83,884	\$51,116
Expenditures	\$135,000	\$21,501	\$113,499
Difference	\$0	\$62,383	
ACTIVE HEALTHCARE FUND			
Revenues	\$5,887,650	\$843,711	\$5,043,939
Expenditures	\$5,887,650	\$701,092	\$5,186,558
Difference	\$0	\$142,619	
RETIREE HEALTHCARE FUND			
Revenues	\$2,442,710	\$180,452	\$2,262,258
Expenditures	\$2,442,710	\$305,070	\$2,137,640
Difference	\$0	(\$124,618)	
INFORMATION TECHNOLOGY			
Revenues	\$1,560,110	\$256,959	\$1,303,151
Expenditures	\$1,560,110	\$193,747	\$1,366,363
Difference	\$0	\$63,212	
PUBLIC SAFETY EQUIPMENT			
Revenues	\$147,855	\$9,178	\$138,677
Expenditures	\$147,855	\$0	\$147,855
Difference	\$0	\$9,178	

	BUDGET	YTD ACTUAL	VARIANCE
LIABILITY FUND			
Revenues	\$4,121,255	\$367,465	\$3,753,790
Expenditures	\$4,121,255	\$564,916	\$3,556,339
Difference	\$0	(\$197,451)	
FACILITIES MANAGEMENT			
Revenues	\$2,156,785	\$356,612	\$1,800,173
Expenditures	\$2,156,785	\$324,203	\$1,832,582
Difference	\$0	\$32,409	
FLEET SERVICES			
Revenues	\$5,131,760	\$618,263	\$4,513,497
Expenditures	\$5,131,760	\$419,293	\$4,712,468
Difference	\$0	\$198,971	
SANITATION FUND			
Revenues	\$2,665,330	\$397,859	\$2,267,471
Expenditures	\$2,665,330	\$375,392	\$2,289,938
Difference	\$0	\$22,466	
DEBT. SERVICE FUND			
Revenues	\$3,009,280	\$1,416,000	\$1,593,280
Expenditures	\$3,009,280	\$1,416,000	\$1,593,280
Difference	\$0	\$0	
CAPITAL IMPROVEMENT FUND			
Revenues	\$7,148,080	\$1,180,873	\$5,967,207
Expenditures	\$7,148,080	\$1,433,143	\$5,714,937
Difference	\$0	(\$252,270)	
* TOTALS			
Revenues	\$138,505,540	\$19,619,405	\$118,886,135
Expenditures	\$138,505,540	\$16,545,364	\$121,960,176
Difference	\$0	\$3,074,041	

**City of Moline
Major Revenue Projection
Summary Sheet
as of February 28, 2019**

Revenues	Year to Date Receipts	Projections	Current Budget	Budget Variance	Prior Year Actual	% Change Cur Proj/ Prior Yr	Last Month's Projection	% Change Proj This Month/ Last Month
Property Tax	-	15,698,100	15,698,100	-	15,122,380	3.81%	\$15,698,100	0.00%
State Sales Tax	1,609,864	10,056,000	10,205,450	(149,450)	10,055,772	0.00%	\$10,056,000	0.00%
Water User Fees	1,284,240	7,873,425	7,873,425	-	8,018,534	-1.81%	\$7,873,425	0.00%
Sewer User Fees	1,450,078	8,877,495	8,877,495	-	8,847,845	0.34%	\$8,877,495	0.00%
Home Rule Sales Tax	1,266,340	7,846,725	7,846,725	-	7,987,437	-1.76%	\$7,846,725	0.00%
Income Tax	794,811	4,340,016	4,144,105	195,911	4,164,196	4.22%	\$4,340,016	0.00%
Replacement Tax	272,695	2,337,561	2,307,500	30,061	2,231,900	4.73%	\$2,337,561	0.00%
Utility Taxes	520,720	3,000,000	3,000,000	-	3,009,563	-0.32%	\$3,000,000	0.00%
Food/Liquor Tax	364,723	2,288,435	2,288,435	-	2,208,631	3.61%	\$2,288,435	0.00%
Sanitation User Fees	385,351	2,391,265	2,391,265	-	2,288,874	4.47%	\$2,391,265	0.00%
Total	7,948,821	64,709,022	64,632,500	76,522	63,935,132	1.21%	\$64,709,022	0.00%