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ARTICLE I. IN GENERAL

SEC. 2-1100. CITY SEAL DESCRIBED.

The seal hitherto in use for the City, a mechanical device, on which is in the center, a governor with a beveled cogwheel; on the left an anvil and sledge, and on the right a spur-cogwheel and mill burr, the whole surrounded by the inscription "City of Moline incorporated August 29, 1872," shall be the corporate seal of the City.

SEC. 2-1101. CUSTODY AND USE OF THE CITY SEAL.

The corporate seal of the City shall be in the custody of the city clerk to be used by said clerk in all cases provided for and by this Code or other ordinances of the City, or the laws of the state; and in all such other cases where, by the laws and customs of any state or nation the use of the corporate seal of the City may be requisite or proper.

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SEC. 2-1102. MUNICIPAL YEAR ESTABLISHED.

The municipal year shall commence on the first day of May in each year.

SEC. 2-1103. FISCAL YEAR ESTABLISHED.

The fiscal year of the City shall coincide with the calendar year. Therefore, the fiscal year of the City shall commence on the first day of January in each year.

(Ord. No. 2000-08-01; Sec. 2-1103 repealed; new Sec. 2-1103 enacted; 08/22/00)

SEC. 2-1104. CITY DEPOSITORIES DESIGNATED.

The accounts and finance officer of the City of Moline is hereby authorized to keep funds and monies of the City in any financial institution meeting the requirements for financial institutions and investments as established from time to time by resolution of the City Council and labeled "Investment Policy of the City of Moline, Illinois."

SEC. 2-1105. ANNUAL APPROPRIATION ORDINANCE: PASSAGE; COMPLIANCE REQUIRED; EXCEPTIONS.

(a) The City Council shall, within the first quarter of each fiscal year, pass an ordinance, to be termed the "Annual Appropriation Ordinance," in which the City Council may appropriate such sum of money as may be deemed necessary to defray all necessary expenses and liabilities of the City, and in the ordinance, the City Council shall specify the objects and purposes for which the appropriations are made and the amount appropriated for each object and purpose. No further appropriations shall be made at any time within that fiscal year, unless the proposition to make such appropriation has been first sanctioned by a majority of the legal voters of the City, either by a petition signed by them, or at a general or special election, duly called therefor.

(b) Neither shall the City Council nor any department or officer of the City, add to the appropriation expenditures in any one year anything over and above the amount provided for in the annual appropriation ordinance of that year, except as provided in this section, and no expenditure of any improvement to be paid for out of the general fund of the City, shall exceed in any one year the amount provided for the improvement in the annual appropriation ordinance; however, nothing contained in this section shall prevent the City Council from ordering by a two-thirds vote on any improvement, the necessity of which is caused by any casualty or accident happening after such appropriation bill shall have been made. The City Council may, by a like vote, order the mayor to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen subsequent to the close of the preceding fiscal year, and which sums shall not be borrowed for a term longer than the close of the next fiscal year, which sum and the interest shall be added to the amount authorized to be raised by the next general tax levy, and embraced therein. Should any judgment be obtained against the City, the mayor, under the sanction of the City Council, may borrow a sufficient sum to pay the same, for a space of time not exceeding the next fiscal year, which sum and interest shall be added to the amount authorized to be raised in the general tax levy of the next year, and embraced therein.

(Ord. No. 2003-05-05; references to standing committees repealed throughout the Code and updated with "City Council" or "Committee-of-the-Whole;" 05/13/03)

(c) No contract shall be hereafter made by the City Council, or any committee or member thereof, and no expense shall be incurred by any of the officers or departments of the City, whether the object of the expenditure shall have been ordered by the City Council or not, unless an appropriation shall have been previously made concerning such expense, except as expressly provided by the statutes of the state.

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SEC. 2-1106. LOCAL MASS TRANSIT DISTRICT ESTABLISHED; POWERS.

(a) There is hereby created and established a local mass transit district to be known as the "Rock Island Metropolitan Mass Transit District" in accordance with and pursuant to the provisions of 70 ILCS 3610/3.

(b) The "Rock Island County Metropolitan Mass Transit District" shall encompass the areas within the corporate limits of Rock Island, Moline, East Moline, Silvis and Milan, and shall have all the powers, rights and duties enumerated and granted pursuant to the provisions of the Local Mass Transit District Act, being 70 ILCS 3610/1 through 3610/9 and such others as are provided by law.

SEC. 2-1107. USE OF CITY OWNED VEHICLES.

(a) City owned vehicles shall be used by City employees only, and said vehicles shall be used solely in connection with and in the course of City business. Said vehicle shall not be used for the private purpose of City employees, and the vehicles shall in no case be used by members of employees' families, friends, or any other persons.

(b) No City employee, except a department head or a person specially designated by the city administrator shall take a City owned vehicle overnight; department heads and designated employees, however, shall not use the auto in violation of subsection (a) hereof, or allow same to be done.

(c) Misuse of a City vehicle shall be cause for suspension or dismissal.

SEC. 2-1108. PAYMENT OF CITY PAYROLL.

The accounts and finance officer of the City of Moline, or one authorized to act in said officer's behalf by the City Council, is hereby authorized to pay wages and salaries of all officers and employees of the City in accordance with union contracts for employees covered thereby; resolutions of the City Council providing for wages, salaries, benefits, and other conditions of employment for employees not so covered; and ordinances for elected officers; but provided, proper payroll documentation has been submitted by department heads or other officials so designated to do so and sufficient appropriations have been made for said purposes and a properly executed warrant drawn on the City treasury has been received.

(Ord. No. 93-6-2, §2-1108 amended; 06/08/93)

SEC. 2-1109. INDEMNIFICATION.

(a) The City of Moline shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit or proceeding, whether civil, administrative or investigative (other than an action by or in the right of the City of Moline, an Illinois municipal corporation) by reason of the fact that such person is an official or employee or agent of the City of Moline (including commissions of the City of Moline), against expenses (including attorney's fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by such person in connection with such proceeding. Expenses incurred in defending an action, suit or proceeding, or threat thereof, may be paid by the City of Moline in advance of the final disposition of such action, suit or proceeding. Indemnification shall be granted to a person who has ceased to be an official, employee or agent of the City of Moline, with regard to acts performed while said person was an official, employee or agent and shall inure to the benefit of the heirs, executors, and administrators of such person.

(b) Nothing in this section is intended to authorize the violation of public policy by providing indemnification for payment of punitive damages.

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SEC. 2-1110. PROCEDURES TO BE FOLLOWED IN INCURRING INDEBTEDNESS FOR CORPORATE PURPOSES; ISSUING NONREFERENDUM BONDS TO EVIDENCE INDEBTEDNESS; LEVYING TAX TO PAY PRINCIPAL AND INTEREST.

(a) The City of Moline, Rock Island County, Illinois, acting by its City Council, with the affirmative votes of six (6) of its members, may from time to time borrow money for proper public purposes and in evidence of such borrowing issue its full faith and credit bonds (general obligation) payable from ad valorem taxes to be levied without limitation as to rate or amount against all taxable property situated within the City. Such bonds may be issued without the submission of the question of their issuance to the electors of the City for their approval, and the procedures for the issuance of such bonds shall be substantially as herein provided.

(Ord. No. 95-5-2 §2-2110 (a) repealed; new (a) enacted, 05/16/95)

(b) The City Council shall adopt an ordinance (hereinafter designated as the "bond ordinance") describing the public purpose or purposes to be accomplished by such borrowing and in such bond ordinance shall make a finding and determination that such borrowing of money is necessary for the welfare of the government and affairs of the City, is for a proper public purpose or purposes and is in the public interest, which finding and determination shall be deemed conclusive.

(c) The bond ordinance shall indicate the amount of money necessary to be borrowed, the amount of bonds to be issued in evidence thereof, shall fix the details of such bonds, including the date, number, denomination and maturity, which shall not exceed forty (40) years from the date of said bonds, terms of redemption with or without premium, if redeemable prior to maturity, and the rate or rates of interest. The bonds shall be sold in such manner and at such time as may be determined by the City Council.

A contract for the sale of such bonds may be entered into prior to the adoption of the bond ordinance or the bond ordinance may provide for the subsequent sale of the bonds therein authorized. In the event of such subsequent sale and bonds are sold bearing interest at a rate or rates less than the maximum rate authorized in the bond ordinance, prior to the delivery of such bonds the taxes levied in the bond ordinance shall be abated by that amount representing the savings resulting from the sale of said bonds at a lower rate of interest than authorized in the bond ordinance.

(d) The bond ordinance shall direct the execution of the bonds therein authorized on behalf of the City of Moline by the signatures of the mayor and the clerk of said City, shall require the seal of the City to be affixed to such bonds, shall determine whether such bonds to be issued shall be registered in the name of the owner as to principal only or whether the same shall be fully registered as to both principal and interest, shall indicate the place or places of payment of the principal and interest maturing on said bonds and shall set forth the form of bond.

The mayor may designate a deputy to affix said mayor's signature to any full faith and credit bonds of the City, which are required to be signed by the mayor. In such case, the mayor shall deliver to the City Council a written notice of such designation, such notice stating the name of the person so selected and the specific bonds, which such person shall have authority to sign as deputy of the mayor. Said notice shall have attached thereto a written signature of the mayor executed by the person so designated to sign, together with the personal signature of the deputy authorized to sign on behalf of the mayor. Each such notice shall be recorded in the official journal of the proceedings of the City Council and then filed with the city clerk. When the signature of the mayor is placed on a full faith and credit bond of the City at said mayor's direction in the specified manner, such signature in all respects shall have the same legal effect as if signed by the mayor in person.

(e) The bond ordinance shall make provision for the payment of such bonds, both principal thereof and interest thereon until maturity, by the levy of a direct annual tax upon all the taxable property within the City of Moline sufficient for such purpose. A copy of such bond ordinance, as adopted, certified to by the city clerk, should be filed in the office of the county clerk of the county or counties within which any part of the City of Moline may be situated. Such bond ordinance, as so filed, shall constitute the authority for the county clerk or county clerks in and for each of the years for which taxes are levied in said bond ordinance, to extend such taxes for collection against all the taxable

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property situated within the City of Moline. The taxes so levied for the payment of principal and interest on the bonds shall be extended annually by the county clerk or county clerks without limitation as to rate or amount and such taxes shall be in addition to and in excess of all other taxes levied or authorized to be levied by the City of Moline. Except as provided herein, such taxes so levied shall not be subject to repeal or abatement in any manner whatsoever until such time as all the bonds authorized and issued under the terms of said bond ordinance shall have been paid in full, both principal thereof and interest thereon, up to and including the date of maturity; provided, however, that if the City of Moline has other funds available, the City Council may appropriate such funds and deposit them in trust with the payment agent for the purpose of the payment of any of the maturities of bonds or interest thereon, in which event the taxes so levied to pay such principal or interest may be abated by the amount so deposited, such abatement to be directed by ordinance of the City of Moline, duly adopted by the City Council and placed on file with the county clerk or county clerks at any time prior to the extension of such taxes for collection.

(f) The provisions of any bond ordinance shall constitute an appropriation of the amounts required as therein referred to and described, and upon the delivery of the bonds therein authorized, the proceeds thereof shall be used solely and only for the purpose or purposes for which the bonds were authorized.

(g) Any bonds authorized and issued pursuant to the provisions of any bond ordinance adopted pursuant to the provisions hereof, and also any bonds heretofore issued and outstanding, which by their terms are payable from taxes unlimited as to rate or amount and levied against all the taxable property within the City of Moline, may be refunded prior to their maturity or at their maturity, and including the refunding of matured interest coupons evidencing interest upon such unpaid bonds. The issuance of refunding bonds shall be authorized by a refunding bond ordinance, which shall be adopted in the manner and subject to the terms, conditions and provisions as herein required for the issuance of bonds for public purposes.

(h) Pursuant to the authority granted by Section 6 of Article VII of the 1970 Constitution of Illinois, the procedures hereinabove set forth for the issuance of full faith and credit bonds (general obligation) shall be controlling and shall be complied with by the City of Moline in the borrowing of money through the issuance of general obligation bonds of the City, notwithstanding any provisions to the contrary contained in the Illinois Municipal Code and all acts amendatory thereof and supplementary thereto and in any other law or laws of the State of Illinois.

ARTICLE II. THE CITY COUNCIL

DIVISION 1. IN GENERAL

SEC. 2-2100. COMPOSITION.

The City Council shall consist of the mayor and the aldermen.

SEC. 2-2101. TERMS OF ALDERMEN.

Aldermen elected shall hold office for a term of four (4) years expiring on May 1 after the municipal election and until their successors are elected and qualified.

SEC. 2-2102. PERSONS INELIGIBLE TO BE A MEMBER OF THE CITY COUNCIL; NON-PARTISAN ELECTIONS.

(a) No person shall be eligible to the office of alderman unless such person shall be a qualified elector and reside within the ward for which such person is elected; nor shall such person be eligible if said person is in arrears for the payment of any tax or other liability due in said City; nor shall said person be directly or indirectly interested in any contract whatever to which the City is a party; nor shall said person be eligible if said person shall have been convicted of malfeasance, bribery, or other corrupt practices or crimes; nor shall said person be eligible to any office, the salary of which is payable out of the City treasury, if at any time of such appointment such person shall be a

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member of the City Council; nor shall any member of the City Council at the same time hold any other office under the City government; nor shall said member be either directly or indirectly, individually or as a member of a firm, engaged in any business transaction, other than official with the City, through its mayor or any of its authorized boards, agents, or attorneys, whereby any money is to be paid, directly or indirectly, out of the City treasury to such member or firm.

(b) The offices of mayor and City alderman shall be elected at nonpartisan elections and, if necessary, non-partisan primaries.

(1) The mayor and City aldermen of the City of Moline elected at the Consolidated Election held in 2001 (mayor and the “2001 aldermen”) shall hold office for four (4) years and until their respective successors are elected and qualified. The provisions of this proposition and applicable law, in particular 65 ILCS 5/3.1-25-15 through 65 ILCS 5/3.1-25-55, inclusive, of the Illinois Municipal Code, shall govern the election of the successors of the mayor and “2001 aldermen,” except that where such provisions refer to President, Trustees and Village, they shall be read as mayor, aldermen and City, respectively and except references to 65 ILCS 5/3.1-25-60 and 65 ILCS 5/3.1-25-70 shall be ignored. Such successors shall be nominated at a primary election to be held at the Consolidated Primary of 2005 and every fourth year thereafter (if a primary is necessary pursuant to the provisions of 65 ILCS 5/3.1-25-15 through 65 ILCS 5/3.1-25-55, inclusive, of the Illinois Municipal Code), and elected at a general election to be held at the Consolidated Election in 2001 and every fourth year thereafter.

(2) The four (4) aldermen of the City of Moline elected at the Consolidated Election in 1999 (the “1999 aldermen”) shall hold office until their successors are elected and qualified. The provisions of this proposition and applicable law, in particular, 65 ILCS 5/3.1-25-15 through 65 ILCS 5/3.1-25-55, inclusive, of the Illinois Municipal Code including exceptions noted above, shall govern the election of the successors of the “1999 aldermen.” Such successors shall be nominated at a primary election to be held at the Consolidated Primary of 2003 and every fourth year thereafter (if a primary is necessary pursuant to the provisions of 65 ILCS 5/3.1-25-15 through 65 ILCS 5/3.1-25-55, inclusive, of the Illinois Municipal Code), and elected at a general election to be held at the Consolidated Election in 2003 and every fourth year thereafter.

(3) Any election to fill a vacancy in the office of mayor or of a 1999 Alderman to be held prior to or at the regularly scheduled 2003 elections shall be in accord with the provisions of this proposition and applicable law, in particular, 65 ILCS 5/3.1-25-15 through 65 ILCS 5/3.1-25-55, inclusive, of the Illinois Municipal Code including exceptions noted above.

(c) Effective January 1, 2002 and continuing thereafter, if a candidate for any office mentioned in this section participates, campaigns or otherwise runs for office on a partisan basis or with an affiliation with any political party, such candidate shall be disqualified from office, and any such person running with any such designation or affiliation shall not be certified by the city clerk as a valid candidate; provided, however, that any such person already elected and serving in office at the time of the enactment of this ordinance shall be permitted to affiliate with political parties or maintain their political designation with respect to their office until their current term expires or until a vacancy occurs in such person’s position, whichever first occurs.

(d) Any election to fill any vacancy in any of the offices enumerated herein which is to be held after the effective date of this ordinance shall be held in accordance with the provisions of this proposition and ordinance and applicable law, and in accordance with the General Election Law; provided, however, that where any such provision would conflict with this ordinance, then this ordinance shall supersede such conflicting provision as an enactment of the City of Moline’s home rule powers.

(Ord. No. 2002-07-03; Sec. 2-2102 repealed in its entirety; new Sec. 2-2102 relating to the same subject matter enacted; 07/02/02)

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SEC. 2-2103. THE CITY COUNCIL TO BE THE JUDGE OF THE ELECTION AND QUALIFICATIONS OF ITS MEMBERS.

The City Council shall be judge of the election and qualifications of its own members.

SEC. 2-2104. AUTHORITY OF THE CITY COUNCIL TO PUNISH ITS MEMBERS, AND DETERMINE THE RULES OF ITS PROCEEDINGS.

The City Council shall determine its own rules of proceeding and punish its members for disorderly conduct; however, any alderman who shall have been convicted of bribery shall thereby be deemed to have vacated the office.

SEC. 2-2105. AUTHORITY TO PUNISH FOR DIRECT CONTEMPT.

The City Council shall have the power to punish persons for direct contempt of the City Council, which punishment shall be imposed by the City Council, and shall consist of a fine of not more than five hundred dollars (\$500.00).

SEC. 2-2106. COMPENSATION.

(a) Each alderman shall receive a salary of four thousand six hundred dollars (\$4,600.00) per municipal year, paid on a bi-weekly basis. This salary shall be compensation for attendance at all regular meetings and all special meetings of the City Council and any other services performed in the capacity of alderman.

(b) Effective May 2, 2017, each alderman shall receive a salary of eight thousand dollars (\$8,000.00) per municipal year, paid on a bi-weekly basis. This salary shall be compensation for attendance for all regular and all special meetings of the City Council and any other services performed in the capacity of alderman.

(c) No other compensation shall be allowed to any alderman for attendance at a regular meeting or a special meeting of the City Council or for any other services performed in the capacity of alderman. This subsection (c) shall not preclude reimbursement for actual expenses of travel, meals, and lodging incurred by aldermen in attending meetings on behalf of the City other than regular and special meetings of the City Council.

(Ord. No. 94-11-2; Sec. 2-2106 repealed; new Sec. 2-2106 enacted; 11/01/94) (Ord. No. 95-1-7 ratified and clarified Ord. No. 94-11-2, 01/24/95) (Ord. No. 2001-02-01; Sec. 2-2106 (a) repealed; new Sec. 2-2106 (a) enacted; 02/06/01) (Ord. No. 3035-2014; Sec. 2-2106 repealed; new Sec. 2-2106 enacted; 01/06/15)

SEC. 2-2107. APPOINTMENTS BY CITY COUNCIL.

(a) Unless the authority for appointment of persons to organizations or for performances of specific duties on behalf of the City is granted elsewhere in this Code to the mayor or city administrator, the City Council reserves to itself such appointment powers.

(b) To make any such reserved appointment, the City Council shall direct that staff place such appointment on the Committee-of-the-Whole meeting agenda. The City Council shall discuss the item at the Committee-of-the-Whole meeting and make a recommendation to the Council, and the City Council may vote on such item at the Committee-of-the-Whole meeting.

(Ord. No. 3015-2005; enacted new Sec. 2-2107; 02/08/05; Ord. No. 3015-2009; Sec. 2-2107(b) repealed; new Sec. 2-2107(b) enacted; 07/21/09)

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SEC. 2-2108. PETITIONS, REMONSTRANCES AND COMMUNICATIONS FROM THE PUBLIC.

(a) No petitions, remonstrances and communications from the public shall be considered unless same have been submitted in writing to the city clerk prior to 12:00 noon on the Thursday prior to the City Council meeting or unless a request has been submitted to the city clerk prior to 12:00 noon on the Thursday before the Committee-of-the-Whole meeting in writing which writing shall identify the person making the request and the subject matter to be addressed.

(b) The City Council shall direct that the city clerk place such petitions, remonstrances and communications from the public on the Committee-of-the-Whole meeting agenda.

(Ord. No. 3015-2009; new Sec. 2-2108 enacted; 07/21/09)

DIVISION 2. MEETINGS

SEC. 2-2200. DAYS, TIME AND PLACE OF REGULAR MEETINGS; ADJOURNED MEETINGS.

(a) The City Council shall meet as a Committee-of-the-Whole at 6:00 p.m. at City Hall on three (3) Tuesdays of each month per a set yearly meetings schedule approved by special ordinance of the City Council at the end of the previous calendar year. The annual meetings schedule of regular meetings shall be prepared, posted and disseminated pursuant to the provisions of Section 2-2201 of the Code. If an alternate meeting date, time or location is deemed necessary by the mayor and/or the City Council, such change shall be made by special resolution of the City Council and proper public notice.

(b) The City Council shall hold its regular meetings at 6:00 p.m., or immediately following the Committee-of-the-Whole Meeting, at City Hall on three (3) Tuesdays of each month per a set yearly meetings schedule approved by special ordinance of the City Council at the end of the previous calendar year. The annual meetings schedule of regular meetings shall be prepared, posted and disseminated pursuant to the provisions of Section 2-2201 of the Code. If an alternate date, time or location is deemed necessary by the mayor and/or the City Council, such change shall be made by special resolution of the City Council and proper public notice.

(c) For purposes herein, the term “emergency” shall mean Council actions required to authorize emergency repairs of City owned property, Council actions required to meet deadlines imposed by other governmental entities, or other unforeseen events requiring Council action prior to the next regular City Council meeting.

(d) Definition of Meeting. The term “meeting” as applied to any City of Moline public body as defined in the Open Meetings Act shall be defined to mean “Any gathering, whether in person or by video or audio conference, telephone calls, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business, or such other definition as shall be contained within the Open Meetings Act as amended from time to time.” Any and all references to the term “meeting” in the Moline Code of Ordinances shall include gatherings as provided in this definition and Section 120/1.02 of the Open Meetings Act.”

(e) Any member of the City Council may attend and participate in any open or closed meeting of said public body from a remote location via electronic means provided that such attendance is in compliance with the rules set forth herein and any other applicable laws.

(1) Prerequisites. Any member of the City Council shall be provided the opportunity to attend an open or closed meeting via electronic means from a remote location if a quorum is physically present at the meeting site, the quorum votes to approve the attendance by electronic means, and the requesting member meets the following conditions:

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a. The member must notify the city clerk at least forty-eight (48) hours prior to the scheduled meeting, unless such notice is impractical, so that necessary communications equipment can be arranged. Said notification to the city clerk shall be by completion and submission of an electronic attendance request form signed by the member. Inability to make the necessary technical arrangements will result in denial of a request for electronic attendance.

b. The member must assert one (1) of the three (3) following reasons why he or she is unable to physically attend the meeting:

1. due to personal illness or disability;
2. due to employment purposes or other City business;
3. due to a family emergency or other emergency.

- (2) **Quorum and Vote Required.** Providing the above prerequisites have been met and following roll call to establish that a quorum is physically present at the meeting site, a motion shall be made and considered as to whether to allow the member to remotely attend the meeting via electronic means. A vote may be taken to permit participation for a stated series of meetings if the same reason applies to each case and proper notice has been provided to the city clerk. Otherwise, a vote must be taken to allow each remote participation via electronic means. The motion must be approved by a vote of a majority of the City Council.
- (3) **Adequate Equipment Required.** Any member participating electronically and other members of the City Council must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing remote attendance via electronic means at any meeting, the City Council shall provide equipment adequate to accomplish this objective at the meeting site.
- (4) **Meeting Minutes.** Any member attending remotely via electronic means shall be counted as present for the meeting. The meeting minutes shall reflect and state specifically whether each member is physically present, absent, or present by electronic means and shall state the approved reason necessitating attendance via electronic means.
- (5) **Rights of Remote Member.** Any member permitted to participate remotely via electronic means shall be permitted to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The remote member shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any remote members shall be called during any vote taken and his or her vote counted and recorded by the city clerk and placed in the meeting minutes. A member participating remotely via electronic means may leave a meeting and return as in the case of any member, provided the member attending via electronic means shall announce his or her leaving and returning to the quorum present.
- (6) **Costs.** Any member participating remotely via telephone shall be reimbursed for the cost of the telephone call upon a valid receipt shown. Any other costs associated with attendance and participation via electronic means, including video conferencing and other audio and video equipment, must be approved by the City Council prior to incurring such costs.

(Ord. No. 3016-2007; Sec. 2-2200(a) and (b) repealed; new Sec. 2-200(a) and (b) enacted; 04/17/07)

(Ord. No. 3020-2007; new Sec. 2-2200(e) and (f) enacted; 07/17/07)

(Ord. No. 3003-2014; Sec. 2-2200(c) repealed in its entirety and remaining subsequent subsections of Sec. 2-2200 consecutively renamed; 03/14/14)

(Ord. No. 3034-2014; Sec. 2-2200(a) and (b) repealed; new Sec. 2-2200(a) and (b) enacted; 12/16/14)

(Ord. No. 3014-2017; Sec. 2-2200(a) and (b) repealed; new Sec. 2-2200(a) and (b) enacted; 11/21/17 – meeting times amended to 5:30 p.m.)

(Ord. No. 3050-2017; Sec. 2-2200(a) and (b) repealed; new Sec. 2-2200(a) and (b) enacted; 12/05/17 – meeting times amended to 6:00 p.m.)

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SEC. 2-2201. ANNUAL NOTICE OF REGULAR MEETINGS.

(a) At its last meeting of the calendar year, the City Council shall cause to be prepared a schedule showing all of its proposed regular meetings for the next calendar year. The schedule shall state the regular dates, times and places of the proposed regular meetings of the City Council.

(b) The schedule shall, by the first day of the calendar year which it represents, be posted in the lobby of the City Hall and on or near the door of the council room of any other designated facility. For purposes of this division, "designated facility" shall mean that structure or facility designated as the meeting place of the Council by special resolution.

(Ord. No. 94-9-5; Sec. 2-2201(b) repealed; new subsection enacted; 09/13/94)

(c) The City Council shall provide copies of the schedule of meetings required by this section to any local newspaper of general circulation or to any local radio or television station that has filed an annual request for such notice.

SEC. 2-2202. SPECIAL MEETINGS; CALLING; NOTICES.

(a) Special meetings of the City Council may be called by the mayor or any three (3) aldermen upon written notice of not less than forty-eight (48) hours to each member of the City Council.

(Ord. No. 2002-10-05; Sec. 2-2202 (a) repealed; new Sec. 2-2202 (a) enacted; 10/08/02)

(b) Notices to the members of the City Council may be served by the chief of police or by any member of the police department; and it shall be the duty of the city clerk when given copies of such notices to cause the notices to be served immediately.

(c) Public notice of a special meeting of the City Council shall also be given at least forty-eight (48) hours before the special meeting by posting a written notice in the lobby of City Hall and on or near the door of the council room of any other designated facility.

(Ord. No. 2002-10-05; Sec. 2-2202 (c) repealed; new Sec. 2-2202 (c) enacted; 10/08/02)

(d) A notice of special meetings shall be provided to any local newspaper of general circulation or any local radio or television station that has filed an annual request for such notice.

SEC. 2-2203. MAYOR TO PRESIDE.

The mayor shall preside at all meetings of the City Council, and shall preserve order and decorum, and shall decide all questions of order, which decisions shall be subject to an appeal to the City Council.

SEC. 2-2204. CHAIRMAN PRO TEM.

In the absence of the mayor, the acting mayor, or the mayor pro tem, the City Council may elect an alderman to act as temporary chairman. Such alderman shall have only the powers of a presiding officer, and a right to vote in such person's capacity of an alderman on any ordinance, resolution or motion.

SEC. 2-2205. QUORUM; COMPELLING ATTENDANCE OF ABSENT MEMBERS.

(a) **Excessive absenteeism.** Excessive absenteeism shall mean an absence from more than five (5) meetings of the City Council during a municipal year. Any alderman who is absent from more than five (5) meetings during a municipal year shall be assessed an administrative fee of one hundred dollars (\$100.00) per absence in excess of five (5). Effective May, 2, 2017, the administrative fee shall be two hundred twenty-two dollars (\$222.00) per

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absence. The invoice for such fee will be issued by the City Clerk and shall be paid to the City's Accounts and Finance office within thirty (30) days of the date of issuance.

(b) A majority of the whole number of the members of the City Council shall constitute a quorum to do business, but a lesser number may convene from time to time, and compel absent members to attend any regular or special meetings by a written citation to that effect, stating the day and hour of the meeting. The citation shall be signed by the mayor or the aldermen issuing it, and may be served by the chief of police, or by any officer authorized to serve processes in the City, by reading the citation to the absent members of the City Council. Any alderman who willfully fails to obey the citation may be expelled and his office may be declared vacant by a majority vote of the City Council.

(Ord. No. 3035-2014; Sec. 2-2205 repealed; new Sec. 2-2205 enacted; 01/06/15)

SEC. 2-2206. ROLL CALL OF MEMBERS.

At the hour appointed for meetings of the City Council, the city clerk shall call the roll of the members, marking the absentees, and announce whether a quorum is present. If a quorum is present, the City Council shall proceed to the business before it.

SEC. 2-2207. ORDER OF BUSINESS.

(a) The following shall be the order of business of the City Council:

- (1) Call to order of the members;
- (2) Pledge of allegiance to the flag;
- (3) Invocation;
- (4) Roll call of members;
- (5) Establishment of quorum;
- (6) Approval of minutes of previous meetings (and, unless requested as a matter of personal privilege, reading of the minutes shall not be required if a written copy has been supplied with the Agenda);
- (7) Consideration of appointments requiring advice and consent of the City Council;
- (8) Petitions, Remonstrances and Communications from the public;
- (9) Reports of City;
- (10) Omnibus vote;
- (11) Second Reading Ordinances;
- (12) Resolutions;
- (13) First Reading Ordinances;
- (14) Remarks and business of the mayor;
- (15) Remarks and business of the aldermen;
- (16) Comments and questions from the public;
- (17) Adjournment.

(b) No item of business shall be considered under (a)(7) above unless same has been submitted in writing to the city clerk prior to 12:00 noon on the Thursday prior to the City Council meeting or unless a request has been submitted to the city clerk prior to 12:00 noon on the Thursday before the City Council meeting in writing which writing shall identify the person making the request and the subject matter to be addressed.

(c) Said order of business shall be followed at all meetings except in the following cases:

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- (1) If a public hearing is scheduled and advertised, said Council meeting shall automatically be recessed after the pledge of allegiance so that said public hearing may be held and the Council meeting shall automatically reconvene at the close of said public hearing. Any public hearing conducted by the City Council shall conform to the least restrictive, but legally sufficient, of the requirements provided under federal or state law, as applicable, or, alternatively, as set forth in the Rules and Regulations adopted by City Council Resolution from time to time.

(Ord. No. 2001-05-03; Sec. 2-2207 amended by enacting new subsection (c)(3); 05/15/01) (Ord. No. 2001-07-07; Sec. 2-2207 repealed; new Sec. 2-2207 enacted; 07/24/01) (Ord. No. 3003-2004; Sec. 2-2207(c) repealed; new Sec. 2-2207(c) enacted; 02/03/04) (Ord. No. 3068-2005; Sec. 2-2207(a) subsections (1)(2)(3)(4) repealed; new subsections (1)(2)(3)(4) enacted; 11/01/05) (Ord. No. 3015-2009; Sec. 2-2207 repealed in entirety; new Sec. 2-2207 enacted; 07/21/09; Sec. 2-2207(a) repealed; new Sec. 2-2207(a) enacted; 06/10/14)

SEC. 2-2208. ACCOUNTS PAYABLE.

The accounts and finance officer shall weekly provide a list of all accounts payable by the City to the City Council. Items on said list may be removed and referred to the City Council for further consideration by motion approved as provided for herein. Such removed item shall thereafter be considered as directed by Council in its motion. All remaining unremoved items shall be deemed approved without further action of the Council, so long as authorized by budget resolution or approved by contract authorized by Council or otherwise within the delegated authority of a City officer. Any matter which is not authorized by budget resolution of the City Council or approved by contract authorized by the City Council or otherwise within delegated authority of an officer of the City and which presents a bill to the City or claim against the City shall not be included on such list and shall be presented individually for consideration by the City Council. (Ord. No. 2001-07-07; Sec. 2-2208 repealed; new section enacted; 07/24/01)

SEC. 2-2209. DETERMINATION OF QUESTIONS OF PRIORITY OF BUSINESS.

All questions relating to the priority of business shall be decided by the mayor without debate.

SEC. 2-2210. MANNER OF ADDRESSING THE CHAIR.

(a) Each member of the City Council, prior to speaking, shall address the mayor, but such member shall not proceed with any remarks until recognized and named by the chair.

(b) When two (2) or more members of the City Council address the chair at once, the mayor shall name the member of the City Council who shall be first to speak.

SEC. 2-2211. PRESENTATION OF COMMUNICATIONS.

Each alderman present at a regular Council meeting shall be recognized by the chair in the order of seating, starting with the first ward, for the purpose of presenting communications, reports, petitions, motions, or new business to the City Council. Once recognized, the alderman has the floor and shall not be interrupted except for a matter of personal privilege or point of inquiry. The member who has the floor should state that said member is yielding the floor when completed. (Ord. No. 95-5-2; §2-2211 repealed in its entirety; new section enacted; 05/16/95)

SEC. 2-2212. LIMITATION ON SPEAKING UPON QUESTIONS.

No member of the City Council shall speak more than twice on the same general question, nor more than once on a previous question. No person in the gallery shall speak on a subject more than once except by leave of the chair.

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SEC. 2-2213. CALLING MEMBERS TO ORDER; APPEAL TO THE CITY COUNCIL.

A member of the City Council called to order while speaking, shall immediately cease speaking, unless permitted to explain. If there is no appeal, the decision of the chair shall be conclusive, but, if the member appeals from the decision of the chair, the City Council shall decide on the case without debate.

SEC. 2-2214. INTERRUPTING SPEAKERS.

While a member of the City Council is speaking, no member shall hold any private discourse, nor pass between the speaker and the chair.

SEC. 2-2215. MOTIONS TO BE SECONDED; WHEN REDUCTION TO WRITING REQUIRED.

No motion shall be put or debated unless it is seconded. When a motion is seconded, it shall be stated by the chair before debate, and every motion shall be reduced to writing, if required by the chair or any alderman.

SEC. 2-2216. MOTIONS ALLOWABLE WHEN QUESTION IS UNDER DEBATE.

(a) When a question is under debate, the only motions in order shall be:

- (1) To adjourn.
- (2) The previous question.
- (3) To lay on the table.
- (4) To suspend the rules or immediately consider.
- (5) To postpone indefinitely.
- (6) To adjourn to a certain day.
- (7) To refer.
- (8) To amend.

(b) The motions authorized by subsection (a) shall have precedence in the order herein arranged, the first four (4) to be decided without debate.

SEC. 2-2217. MOTIONS TO ADJOURN.

(a) A motion to adjourn the City Council shall always be in order, except:

- (1) When a member is in possession of the floor.
- (2) While the ayes and nays are being called.
- (3) When the members are voting.
- (4) When adjournment was the last preceding motion.
- (5) When it has been decided that the previous question shall be taken.

(b) A motion to adjourn, without move, cannot be amended; but a motion to adjourn to a given time, may be and is open to debate.

SEC. 2-2218. MOTIONS CALLING FOR THE PREVIOUS QUESTION.

When the previous question is moved and put, it shall be in this form: "Shall the main question be now put?" If this is carried, all proposed amendments, and all further motions and debate shall be excluded, and the question be put without delay.

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SEC. 2-2219. MOTIONS TO LAY ON THE TABLE.

A motion to lay a question on the table, without move, is not debatable, but a motion to lay on the table and publish, or any other condition, is subject to amendment and debate.

SEC. 2-2220. MOTIONS TO "STRIKE OUT AND INSERT."

On a motion to "strike out and insert," the paragraph to be amended shall first be read as it stands, the words proposed to be struck out, and those to be inserted, and finally, the paragraph as it would stand if so amended.

SEC. 2-2221. MOTIONS TO AMEND.

A motion to amend an amendment shall be in order, but to amend an amendment to an amendment shall not be entertained.

SEC. 2-2222. NATURE OF AMENDMENTS WHICH ARE IN ORDER.

An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject shall not be in order.

SEC. 2-2223. INDEFINITE POSTPONEMENT OF MOTIONS.

When a motion is postponed indefinitely, it shall not be taken up again during the same meeting.

SEC. 2-2224. PRIORITY BETWEEN MOTIONS TO REFER A QUESTION TO COMMITTEES OF THE COUNCIL.

A motion to refer a question to the Committee-of-the-Whole of the City Council shall take precedence over a similar motion for a special committee.

SEC. 2-2225. RECONSIDERATION OF MOTIONS.

(a) A motion may be reconsidered at any time during the same meeting, or at the first meeting held thereafter. A motion for a reconsideration being once made and decided in the negative, shall not be renewed before the next meeting.

(b) A motion to reconsider must be made and seconded by members who voted in the majority, or by those who were absent and did not vote upon the motion to be reconsidered.

(Ord. No. 3023-2018; repealed Sec. 2-2225 in its entirety; enacted new Sec. 2-2225 – NOTE: Ord. No. 3023-2018, adopted 06/05/18 was in effect from 06/05/18 to 06/30/18 only and was automatically repealed on 06/30/18 at which time the above language continued in effect.)

SEC. 2-2226. LIMITATION ON RECONSIDERATION OF QUESTIONS.

No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

SEC. 2-2227. RESTRICTIONS ON RECONSIDERATION OF VOTES AT SPECIAL MEETINGS.

No vote of the City Council shall be reconsidered or rescinded at a special meeting unless there be present as large a number of aldermen as were present when such vote was taken.

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SEC. 2-2228. WITHDRAWAL OF MOTION OR RESOLUTION.

After the chair states a motion or resolution, it shall be deemed to be in possession of the City Council, but it may be withdrawn at any time before decision or amendment.

SEC. 2-2229. ENTRY OF NAME ON MINUTES OF ALDERMAN PROPOSING RESOLUTION OR MOTION.

In all cases where a resolution or a motion is entered on the minutes of the City Council, the name of the member moving the same shall be entered also.

SEC. 2-2230. DECORUM.

While the mayor is putting the question, no member of the City Council shall walk across or out of the council room.

SEC. 2-2231. ALDERMEN TO VOTE ON QUESTIONS; EXCEPTION.

Each member of the City Council who shall be present when a question is stated from the chair, shall vote thereon, unless said member is directly interested in the question, in which case said member shall so state for the record, describe such interest in sufficient detail as to apprise the Council and the public of the nature of the interest and shall not vote. Notwithstanding any common law or statutes to the contrary, and as an express exercise of the City's home rule authority in derogation of any such law or statute, no vote to abstain or similar vote shall be permissible hereunder, and refusal to vote aye or nay or to state a direct interest in the question, as outlined above, shall constitute a direct contempt of the City Council, punishable as outlined in Sec. 2-2105 of this Code of Ordinances. (Ord. No. 93-6-1, §2-2231 amended; 06/08/93)

SEC. 2-2232. WHEN THE MAYOR SHALL VOTE.

The mayor shall cast a vote under the following circumstances:

- (1) Where the vote of the aldermen has resulted in a tie.
- (2) Where one-half (1/2) of the aldermen elected have voted in favor of an ordinance, even though there is no tie vote.
- (3) Where a vote greater than a majority of the City Council is required by statute or ordinance.

SEC. 2-2233. REQUIRED VOTE FOR CITY COUNCIL ACTION; RECORDING OF VOTE.

(a) **Omnibus votes.** Any Council bill, requiring for passage only the concurrence of a majority of all members elected to the City Council and requested by the Committee-of-the-Whole or the mayor to be included on the Council Agenda for omnibus vote and then so listed, may be included in a single motion for adoption; and then the yeas and nays by roll call shall be taken on said motion. Each such Council bill included within said motion shall be considered passed or failed in accordance with said single vote as if a separate vote had been taken on each such Council bill. Each alderman has the right and privilege to demand that any Council bill listed on the Council Agenda for omnibus vote be removed from such list and voted on separately; provided, said question of privilege is raised prior to the commencement of voting.

(Ord. No. 2003-05-05; references to standing committees changed to "City Council" or "Committee-of-the-Whole" throughout the Code; 05/13/03)

(b) **Other votes.** As to any matter not provided for in (a) above, the yeas and nays shall be taken upon the passage of all ordinances and on all propositions to create any liability against the City, or to expend or appropriate any money in excess of one thousand dollars (\$1,000), and in all other cases at the request of any member, which yeas

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and nays shall be entered on the journal of its proceedings; and the concurrence of a majority of all members elected to the City Council shall be necessary to the passage of any such ordinance or proposition.

(Ord. No. 2003-05-05; Sec. 2-2233 (c) and (d) repealed in their entirety; 05/13/03)

SEC. 2-2234. SALE OF MUNICIPAL PROPERTY.

(a) **Real property.** The City Council shall have the power to sell or lease any municipal real property which is determined to be surplus and which is not needed for future use. This power shall be exercised by ordinance. Sale or lease of real property by competitive bidding shall be approved by a simple majority of the corporate authorities then holding office. The City Council reserves the right to reject any and all bids. Sale or lease of real property through negotiation shall require approval by a two-thirds majority of the corporate authorities then holding office; except that, when authorization to proceed by negotiation shall have been by resolution adopted by the affirmative vote of two-thirds of the corporate authorities then holding office, then approval by a simple majority of the corporate authorities then holding office shall be sufficient for passage.

(b) **Personal property.** The City Council shall have the power to sell, lease or dispose of any municipal personal property which is determined to be surplus and which is not needed for future use and is no longer useful to or in the best interest of the City. This power shall be exercised by resolution and shall authorize department heads to dispose of said property through the legal process that is most advantageous to the City, whether sealed bid, auction, negotiation or otherwise. Municipal personal property that is no longer functional or operational (broken, damaged or non-repairable) and determined to contain no value by a department head may be disposed of by the department head without declaring the property as surplus and without further authorization.

(Ord. No. 3029-2015; Sec. 2-2234 repealed; new Sec. 2-2234 enacted; 08/04/15)

SEC. 2-2235. COMPETITIVE BIDDING.

Unless and until the City Council adopts a competitive bidding procedure, 65 ILCS 5/11-76.2 (Illinois Municipal Code) shall represent the minimum requirements for competitive bidding for the sale or lease of municipal property except insofar as the voting requirement in said paragraph is different than that contained in Section 2-2234 above.

SEC. 2-2236. DEED OF CONVEYANCE.

When the sale of municipal real property has been approved by the City Council, and the consideration paid or secured, the mayor may convey the real estate and transfer it, by proper deed of conveyance, stating therein the consideration therefor. Said signature of the mayor is to be attested and sealed by the city clerk.

SEC. 2-2237. IMPROPER REMARKS.

No person shall, in debating a matter before the City Council, engage in personalities.

SEC. 2-2238. SUSPENSION OF RULES.

The rules of procedure of the City Council established in this article may be temporarily suspended by unanimous consent of all members of the City Council present, but shall not be repealed, altered or amended, unless by concurrence of two-thirds of all the aldermen elected.

DIVISION 3. ADOPTION OF ORDINANCES

SEC. 2-2300. STYLE OF ORDINANCES.

The City Council shall style all ordinances proposed to be adopted as follows: "Be it ordained, by the City Council of the City of Moline, Illinois."

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SEC. 2-2301. INTRODUCTION AND PASSAGE OF COUNCIL BILLS.

(a) Any council bill, whether it be a proposed ordinance or resolution, shall be read by the city clerk by title only upon introduction; except, in those instances when no written brief explanation of such council bill has been made available to members of the City Council at least seventy-two (72) hours prior to the meeting at which it is introduced, it shall be read by the city clerk in its entirety.

(b) Nothing in subsection (a) shall prevent a member of the City Council from exercising a right of privilege in demanding that a council bill for which written explanation has been provided as set forth be read in its entirety; nothing in subsection (a) shall prevent the City Council, upon adoption of a proper motion, from waiving the reading in its entirety of a council bill for which no written explanation has been provided as set forth.

(c) Before any council bill that proposes an ordinance shall be placed before the City Council for final passage, it shall lay over at least one (1) week after introduction unless the City Council, upon proper motion passed by two-thirds (2/3) of all the alderman elected, moves for immediate consideration. If there are multiple bills to be considered or for which multiple requests for consideration would otherwise be made, then such motion to consider all or any combination of such council bills may be made in one combined motion for immediate adoption, to-wit: I move to consider council bills numbered _____; and then the yeas and nays by roll call shall be taken on said combined motion. Each such motion for consideration on each council bill included within said combined motion shall be considered passed or failed in accordance with said single vote as if a separate vote had been taken on each such motion for consideration.

(Ord. No. 2003-05-05; Sec. 2-2301(d) repealed in its entirety; 05/13/03) (Ord. No. 3028-2004; Sec 2-2301 (c) repealed; new Sec. 2-2301 (c) enacted; 05/11/04)

SEC. 2-2302. APPROVAL OF ORDINANCES BY THE MAYOR; VETO.

All ordinances passed by the City Council shall, before they take effect, be deposited in the office of the city clerk; and if the mayor approves of them, the mayor shall sign them. Those ordinances of which the mayor disapproves, shall be returned to the City Council, with the mayor's written objections thereon, at the next regular meeting of the City Council, occurring not less than five (5) days after the passage thereof. Such veto may extend to any one or more items or appropriations in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of an ordinance, the residue thereof shall take effect and be in force. But in case the mayor shall fail to return any ordinance, with objections thereto, by the time required, the mayor shall be deemed to have approved the ordinance, and it shall take effect accordingly.

SEC. 2-2303. RECONSIDERATION OF ORDINANCE AND PASSAGE OVER VETO.

Upon the return of any ordinance by the mayor, the Council shall reconsider the ordinance, and if, after such reconsideration, two-thirds (2/3) of all the members elected to the City Council shall agree, by yeas and nays, to pass the ordinance, it shall go into effect, notwithstanding the mayor's refusal to approve it. The vote to pass the ordinance over the mayor's veto shall be taken by yeas and nays, and entered on the journal.

SEC. 2-2304. PUBLICATION AND EFFECTIVE DATE OF ORDINANCES.

(a) The City Council shall cause all ordinances of the City, which impose any fine, penalty, imprisonment or forfeiture, or make any appropriation, to be published in one of the following forms:

- (1) Printed or published in book or pamphlet form, published by authority of the City Council.
- (2) Be published at least once within ten (10) days after passage, in one or more newspapers published in the City.

(b) No ordinance required by subsection (a) to be published, shall become effective until ten (10) days after its publication, unless a statement of the urgency of the ordinance is contained in it and it achieves passage by a

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two-thirds (2/3) vote of the members of the City Council then holding office. If such an ordinance contains such a statement of urgency and is passed by the requisite majority, it shall take effect immediately upon approval by the mayor.

(c) All ordinances not required by subsection (a) to be published shall take effect from and after their passage, unless otherwise provided.

DIVISION 4. COMMITTEES

SEC. 2-2400. STAFF TRAFFIC COMMITTEE; COUNCIL REVIEW

(a) Routine matters related to traffic and street parking regulations and pedestrian safety programs, including sidewalk programming, shall be administered by a traffic committee of the public works department without resort to the City Council. All non-routine matters relating to traffic and street parking regulations, pedestrian safety programs and sidewalk programming, as well as appeals from any routine matters decided by the public works department traffic committee, shall be administered by the City Council during the committee-of-the-whole meeting, which committee meeting shall be held approximately once per month upon the call of the city administrator, or less frequent, if such matters warrant less frequency. Any appeal from a decision of the public works department traffic committee shall be made within thirty (30) days of such decision or said appeal shall be considered waived.

(b) Any action taken by City staff which is not appealed from and any action taken by the City Council at its Committee-of-the-whole meeting referenced in Section 2-2400 (a) shall be considered final and binding, without resort to a regular Council meeting, unless a specific resolution or ordinance is otherwise required, but no decision under subsections 2-2400 (a) and (b) shall be held to create or confer any rights in any third person or other entity.

(Ord. No. 2003-05-05; Sec. 2-2400 repealed in its entirety; new Sec. 2-2400 relating to the same subject matter enacted; 05/13/03)

SEC. 2-2401. COMPOSITION OF SPECIAL COMMITTEES; CHAIRMAN.

(a) All special committees shall consist of three (3) members each, unless some other special number is specified; and the first person named shall be the chairman.

(b) All meetings of the special committees will be held at City Hall, or other place so designated by special resolution and notice of the City Council.

SEC. 2-2402. APPOINTMENT OF MEMBERS OF SPECIAL COMMITTEES.

The members of any special committees of the City Council shall be appointed by the mayor, with the advice and consent of the City Council. (Ord. No. 2003-05-05; Sec. 2-2400 repealed in its entirety; new Sec. 2-2400 enacted; 05/13/03)

SEC. 2-2403. CITY CLERK TO GIVE NOTICE OF COMMITTEE APPOINTMENTS AND BUSINESS.

The city clerk shall notify all members of the City Council appointed to committees of the City Council of their appointment, and the clerk shall notify the committees of the business referred to them.

SEC. 2-2404. CITY CLERK TO KEEP A LIST OF COMMITTEES.

The city clerk shall keep a list of all committees of the City Council.

SEC. 2-2405. COMMITTEE REPORTS.

(a) Any special committee of the City Council, to which a matter is referred, shall in all cases report in writing the state of facts, with its opinion thereon. Any majority report may be included in and take the form of the minutes of the said committee; any committee member or group of committee members not constituting a majority may submit a minority report in writing to the City Council.

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(b) All minutes and other reports of said committees of the Council shall be addressed "To the Mayor and aldermen of the City of Moline, in Council assembled," and shall briefly describe the matter referred and the conclusion to which the committee has arrived, which conclusion shall be summed up in the form of an order, resolution or recommendation, or shall be submitted with the notation "No Recommendation" if an issue cannot be determined in committee within the time frame allotted said committee.

SEC. 2-2406. TERMINATION OF SPECIAL COMMITTEES.

On the acceptance of a final report from a special committee, the special committee shall be considered discharged without a vote, unless otherwise ordered.

DIVISION 5. BALANCED BUDGET POLICY

SEC. 2-2500. BUDGET POLICY; ESTABLISHED.

It shall be the general policy of the City of Moline that any budget resolution adopted annually by the City and relating to the general fund shall be a balanced budget. The term-balanced budget shall mean that the expenses and expenditures being paid from the general fund in any given fiscal year shall not exceed the revenues being paid into said general fund. The requirements of this Section 2-2500 shall only apply as set forth in Section 2-2501.

SEC. 2-2501. BALANCED BUDGET; IMPLEMENTATION; RESTRICTIONS.

Any budget adopted by resolution by the City Council for any particular fiscal year and related solely to the general fund shall be balanced as defined in Section 2-2500, unless an unbalanced budget resolution is approved by a two-thirds (2/3) majority of the City Council.

SEC. 2-2502. INTERNAL APPLICATION ONLY; PROHIBITION ON THIRD-PERSON USE OF SAID ORDINANCE.

The general fund balanced budget restrictions referenced in this Division 5 of Article II of Chapter 2 of the Moline Code of Ordinances shall be for internal use of the City only. No person or third person, governmental official or judge may use this paragraph to invalidate any action of the Moline City Council in adopting any type of budget resolution, whether balanced or unbalanced. Further, no person or third person should rely on this ordinance as any type of limitation, circumscription, or reduction in the City's powers, which limitations, circumscriptions, and reductions are specifically disclaimed by the City of Moline.

(Ord. No. 95-12-1; new Division 5 of Article II adopted; 12-19-95)

ARTICLE III. OFFICERS

DIVISION 1. IN GENERAL

Part A. Miscellaneous

SEC. 2-3100. PERSONS INELIGIBLE FOR OFFICE.

(a) No person shall be eligible for any City office who is not a qualified elector of the City, and who shall not have resided therein at least one (1) year next preceding such person's election or appointment.

(b) No person shall be eligible to be an officer of the City who is in default on a debt due the City.

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SEC. 2-3101. COMMISSIONS OF APPOINTMENT AND CERTIFICATES OF ELECTION.

All officers of the City elected or appointed under this Code, except the city clerk, the aldermen and the mayor, shall be commissioned by warrant under the corporate seal, signed by the mayor and the city clerk. The mayor shall issue a certificate of appointment or election, under the seal of the City to the city clerk.

SEC. 2-3102. OATH.

(a) All officers of the City, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability."

(b) The oath or affirmation, when subscribed, shall be filed in the office of the city clerk.

SEC. 2-3103. BOND.

Before entering upon the duties of their respective offices, all City officers, except aldermen, shall execute a bond with security, to be approved by the City Council. The bond shall be payable to the City in whatever penal sum may be directed by resolution or ordinance, conditioned upon the faithful performance of the duties of the office and the payment of all money received by such officer, according to law and also the ordinances of the City. The bond may provide that obligation of the sureties shall not extend to any loss sustained by the insolvency, failure, or closing of any bank organized and operating either under the laws of the state or the United States wherein the officer has placed funds in the officer's custody, if the bank has been approved by the City Council as a depository for these funds. In no case, however, shall the mayor's bond be fixed at less than three thousand dollars (\$3,000.00). The accounts and finance officer's bond shall be an amount of money that is not less than three (3) times the latest federal census population or any subsequent census figure used for motor fuel tax purposes. These bonds shall be filed with the accounts and finance officer except the bond of the accounts and finance officer, which shall be filed with the city clerk.

SEC. 2-3104. VACANCIES IN ELECTED OFFICE; FILLING.

(a) **By election.** If a vacancy occurs in an elective office with at least twenty-eight (28) months remaining in the unexpired term and the vacancy occurs at least one hundred thirty (130) days prior to the general municipal election next scheduled, the vacancy shall be filled at that general municipal election.

(b) **By appointment.** If a vacancy occurs later than the time specified in (a) above, the vacancy shall be filled as follows:

- (1) Mayor: the City Council shall elect one of its members acting mayor who shall perform the duties and possess all the rights and powers of the mayor until a successor is elected and has qualified.
- (2) Alderman: the mayor shall appoint a person to fill the unexpired term until a successor is elected and has qualified.
- (c) **Temporary appointment.** If a vacancy occurs as provided in (a) above, the vacancy shall be temporarily filled by appointment as provided in (b) above.

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SEC. 2-3105. COMPENSATION OF CERTAIN OFFICERS NOT TO BE ALTERED DURING TERM.

The fees, salary or compensation of any City officer who is elected or appointed for a definite term, shall not be increased or diminished during that term.

SEC. 2-3106. CERTAIN OFFICERS NOT TO HOLD OTHER OFFICE.

The mayor, the city clerk, or any alderman shall not hold any other office under the City government during such officer's term of office.

SEC. 2-3107. CERTAIN OFFICERS TO BE CONSERVATORS OF THE PEACE.

The mayor, and each alderman, shall be conservators of the peace, and as such shall exercise the powers conferred upon them under the statutes of the state.

SEC. 2-3108. DELIVERY OF PROPERTY TO SUCCESSOR IN OFFICE.

Any person who is an officer of the City shall, within five (5) days after notification and request, deliver to said officer's successor in office all property, books, and effects belonging to the City, or appertaining thereto; and, upon refusal to do so, shall be liable for all damages caused thereby and to the penalty prescribed in Section 1-1107 of this Code.

SEC. 2-3109. PERSONS AUTHORIZED TO ADMINISTER OATHS.

The mayor and the city clerk shall have the power to administer oaths and affirmations upon all lawful occasions.

SEC. 2-3110. LOSS OF DOCUMENTS.

Should the mayor, the city attorney, or any other person, suffer any paper or record entrusted to either one or more of them, to be lost or obliterated, such person shall be responsible for the damage that may accrue by such loss.

Part B. Conflicts of Interest

SEC. 2-3111. DECLARATION OF POLICY.

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. Neither, though, should public officials and employees be punished for their status as public officials and employees when there is no potential that a private interest could affect a government decision or policy, nor should a policy be so vague and yet restrictive that citizen participation is inhibited. In recognition of these goals, a Code of Ethics for all City officials and employees is adopted. The purpose of this Code of Ethics shall be as follows:

- (1) To define and clarify "interest" as it appears in 65 ILCS 5/3-14-4 and 50 ILCS 105/3.
- (2) To describe and exempt de minimis interest since such interests do not present incentive to cause decisions or policies to be changed to further such interests and since regulation of such interests

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appears to punish public official or employment status rather than further a legitimate public policy goal and since failure to exempt such interests will inhibit rather than encourage citizen participation;

- (3) To establish clear guidelines for ethical standards of conduct for all officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City;
- (4) To provide a procedure that will allow for public officials and employees to seek, in advance, guidance upon which they can rely in situations where there are two (2) or more reasonable interpretations to said Code of Ethics or where the factual situation is such that the applicability of said Code of Ethics is unclear; and
- (5) To direct disclosure by such officials and employees of private financial or other interests in matters affecting the City so that there will be not even an appearance of impropriety.

SEC. 2-3112. DEFINITIONS.

(a) **Administrative action** means enforcement actions, whether investigation, inspection, or issuance of administrative orders or effecting an arrest; preparation of reports, recommendations, or other documents for the mayor, City Council, city attorney, or any board, commission, or agency of the City; the negotiation of, review of, or administration of any contract for the sale of goods, services, or property to the City; and any other act, order, review, or document preparation of an administrative official or employee of the City that involves said official or employee's substantial, independent, and discretionary involvement.

(b) **Interest** means direct or indirect pecuniary benefit accruing to a public officer or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the City except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated.

(Ord. No. 3005-2014; Sec. 2-3112(b) repealed; new Sec. 2-3112(b) enacted; 03/18/14)

For the purposes of this Code of Ethics, a public officer or employee shall be deemed to have an interest in the affairs of the following persons or entities:

- (1) Any person related to said public officer or employee by blood or marriage in a degree closer than the fourth degree of consanguinity or affinity (determined by the civil law method);
 - (2) Any person or business entity with whom a contractual relationship exists with the public officer or employee;
 - (3) Any business entity in which the public officer or employee is an officer, director, or member having a financial interest, or by which the public officer or employee is employed;
 - (4) Any business entity of which the stock or legal or beneficial ownership in excess of seven and one-half (7 1/2) per cent is controlled or owned directly or indirectly by the public officer or employee.
- (c) **Official act or action** means any legislative, administrative, appointive, or discretionary act of any officer or employee of the City or any agency, board, committee, or commission thereof.
- (d) **Business entity** means any business, proprietorship, firm, partnership, and person in representative or fiduciary capacity, association, venture, trust, or corporation.
- (e) **Public officer or employee** means any person, officer, or employee holding a position by election, appointment or employment in the service of the City, whether paid or unpaid, including members of any board, committee, or commission thereof.

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SEC. 2-3113. CODE OF ETHICS.

(a) **Code of Ethics established.** The requirements herein set forth shall constitute a Code of Ethics establishing reasonable standards and guidelines for the ethical conduct of public officers and employees of the City.

(b) **Interest in contract or transaction.** No public officer or employee, who, alone or in concert, has the power or duty to perform an official act or action or whose office, board, committee, commission, agency, or department has the power or duty to perform an official act or action related to a contract or transaction which is or may be the subject of an official act or action of the City shall:

- (1) Have or thereafter acquire an interest in such contract or transaction;
- (2) Have an interest in any business entity representing, advising, or appearing on behalf of, whether paid or unpaid, any person involved in such contract or transaction;
- (3) Have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction;
- (4) Have solicited, accepted, or granted a present or future gift, favor, service, or thing of value from or to a person involved in such contract or transaction, except as provided in Section 2-3113(c); or
- (5) Have encouraged, made, or accepted any ex parte or unilateral application or communication where a determination is to be made after a public hearing and such public official or employee fails to make the contents of the communication part of the record.

(c) **Gift exemption.** The prohibition against gifts or favors in Section 2-3113(b)(4) shall not apply to the following:

- (1) An occasional, nonpecuniary gift that is insignificant in value;
- (2) An award publicly presented in recognition of public service; or
- (3) Any gift that would have been offered or given notwithstanding public official or employment status.

(d) **Pre-acquisition of interest.** No public official or employee, with respect to any contract or transaction which is or may be the subject of an official act or action of the City, shall acquire an interest in or affected by such contract or transaction at a time when the public official or employee believes or has reason to believe that it will be affected directly or indirectly by an official act or action of the City.

(e) **Disclosure of information.** No public officer or employee, with respect to any contract or transaction which is or may be the subject of an official act or action of the City, shall disclose without proper legal authorization confidential information concerning the property, government, or affairs of the City or use such information to advance the financial or other private interest of such public officer, employee or others.

(f) **Incompatible service.** No public officer or employee shall engage in or accept private employment or render service for private interest when such employment or service is incompatible with the proper discharge of the officer's or employee's official duties or would tend to impair such official or employee's independence of judgment or action in the performance of official duties, unless otherwise permitted by law and unless disclosure is made as provided in this Code of Ethics.

(g) **Appearances.** No public officer or employee shall appear on behalf of any private person, other than such officer or employee, said officer or employee's spouse, or minor children, before any City agency or before any court action in which the City is a party thereto when said public officer or employee's office, board, committee,

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commission, agency or department has the power or duty to perform an official act or action related to the subject matter of the appearance. Said prohibition shall not be deemed to prevent appearance as a participant in or representative of the collective bargaining process and/or the administration of any memoranda of understanding with City employees. However, a member of the City Council may appear before City agencies on behalf of said member's constituents in the course of said member's duties as a representative of the electorate or in the performance of public or civic obligations.

(h) **Public contracts.** No public officer or employee, who, in the capacity as such officer or employee, participates in the making of a contract or whose office, board, committee, commission, agency, or department participates in the making of a contract in which said officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on said officer, employee, or officer or employee's office, board, committee, commission, agency, or department's part; shall enter into any contract with the City unless:

- (1) The contract is awarded through a process of public notice and competitive offering, or
- (2) The city attorney waives the requirement of this section after determining in writing that it is in the best interest of the City to do so.

(i) **Public property.** No public officer or employee shall request or permit the use of City-owned vehicles, equipment, materials, or property or City-paid-for labor for personal convenience or profit unless such use is made available to the general public in the normal course of business.

(j) **Special treatment.** No public officer or employee shall grant any special consideration, treatment, or advantage to any person beyond that which is available to every other person similarly situated.

(k) **Later case interest.** No public officer or employee shall, after termination of service or employment with the City, appear before any board, commission, committee, or agency of the City in relation to any case, proceeding, or application in which said officer or employee personally participated during the period of said officer or employee's service or employment, or which was under said officer or employee's active consideration.

(1) **Absolute prohibition of appearance.** No public officer or employee shall appear before a board, commission, committee, agency, or department of the City on which said officer served or for which said employee was employed for a period of one year after termination of service or employment.

SEC. 2-3114. EXCEPTIONS TO CODE OF ETHICS.

(a) It shall not be deemed a violation of the standards of the Code of Ethics if the interest of a public officer or employee in a person or business entity is a contractual obligation of less than five hundred dollars (\$500.00) which has not been preceded by any other obligation, discharged or existing, between the parties, and which is not the first in a series of two (2) or more loans or debts which either of the parties is under an obligation to make or incur.

(b) A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of this state to engage in the making of such loans shall not be deemed to create an interest in violation of this Code of Ethics.

(c) A contract for a commercial retail sale, even though over the value of five hundred dollars (\$500.00), shall not be deemed to create an interest in violation of this Code of Ethics.

(d) All promotions or offers to the City's employees for the purchase of a product or products at a reduced rate or for the provision of special services shall be presented to the city attorney for approval pursuant to the following criteria:

- (1) The promotion or offer must be made available to all City employees;

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- (2) The promotion or offer is one that is made available to employees of other local employers or to the employer on behalf of its employees;
- (3) The company providing the promotion or offer is not a business entity that conducts business directly with the City. (Ord. No. 3089-2004; new 3114 (d) enacted; 11/02/04)

SEC. 2-3115. DISCLOSURE OF INTEREST.

(a) Any member of the City Council who has a financial interest or personal interest in any proposed official act or action shall disclose, prior to said act or action taking place or immediately upon learning about said act or action if it has already taken place, on the record of the City Council the nature and extent of such interest.

(b) Any other official or employee who has a financial or personal interest in any proposed official act or action shall disclose, prior to said act or action taking place or immediately upon learning about said act or action if it has already taken place, to the mayor and city attorney and on the official record, if any, of any official act or action the nature and extent of such interest.

SEC. 2-3116. ENFORCEMENT.

(a) The city attorney shall have the primary responsibility for the enforcement of this Code. Said attorney shall have the power to investigate any complaint, to initiate any suit, and to prosecute any criminal or civil action on behalf of the City.

(b) The City Council may direct the city attorney to investigate or prosecute any apparent violation of the Code or it may employ or appoint any qualified attorney to investigate or prosecute any violation or series of violations of this Code by one or more persons.

(c) Any person who believes that a violation of any portion of the Code has occurred may file a complaint with the city attorney or with the City Council, who may thereafter proceed as provided for under Sections 2-3115(a) or (b). However, nothing in the Code shall be construed to prevent complainants from instituting direct legal action through the appropriate judicial authority.

SEC. 2-3117. ADVISORY OPINIONS.

(a) Where any public officer or employee has a doubt as to the applicability of any provision of this Code to a particular situation, or as to the definition of terms used herein, said public officer or employee may apply to the city attorney for an advisory opinion. The officer or employee shall have the opportunity to present such officer or employee's interpretation of the facts at issue and of the applicability of provisions of the Code before such advisory opinion is made.

(b) Such opinion, until amended or revoked, shall be binding on the City, the City Council, and the city attorney in any subsequent actions concerning the public officer or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion. Such opinion shall not be binding in any action initiated by any private citizen.

(c) Any advisory opinion prepared by the city attorney shall be made public. However, the name of the person requesting the opinion and the names of all persons or business entities mentioned in the opinion shall be deemed confidential information and shall not be disclosed by the city attorney unless the public officer or employee waives such confidentiality or where the city attorney deems the public official to have failed to act in good faith in requesting the opinion or in conforming with the opinion or to have failed to act in conformance with the opinion.

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SEC. 2-3118. PENALTIES; FORFEITED POSITION; EXEMPTIONS; INJUNCTION.

- (a) Any public officer or employee who willfully and knowingly violates any of the provisions of this ordinance shall be guilty of a petty offense which shall be punishable as provided in Section 1-1107 of this Code.
- (b) Upon conviction for any violation of this Part B of any public officer or employee, such officer or employee shall immediately forfeit said public officer or employee's office or position. Nothing in this part shall be construed to prohibit such public officer or employee from being re-elected, reappointed or otherwise rehired to any position forfeited under the provisions of this part.
- (c) The city attorney, with the consent of the City Council, may exempt from the provisions of this part any conduct found to constitute a violation by any public officer or employee, if said attorney finds that the enforcement of this part with respect to such conduct is not necessary in the public interest.
- (d) Any contract or transaction which was the subject of an official act or action of the City in which there is an interest prohibited by this Code, or which involved the violation of a provision of this Code, shall be voidable at the option of the City.
- (e) The city attorney shall have the power, where a violation of the provisions of this Code is threatened or has occurred, to bring civil action or proceeding at law or in equity for a judgment enjoining any violation of the provisions of this part or requiring the relinquishment of any prohibited interest or the voiding of any such contract or transaction, taking into account the interests of the City and any third persons who may be injured thereby. Where the city attorney determines that the public interest may best be served by not voiding a contract or transaction entered into in violation of this part, such contract or transaction may be enforced and an action or proceeding may be brought against any public officer or employee found in violation of provisions of this part for damages not to exceed twice the damages suffered by the City or twice the profit or gain realized by the public officer or employee, whichever is greater.

SEC. 2-3119. DISTRIBUTION OF CODE OF ETHICS.

The city clerk shall cause a copy of this Code of Ethics to be distributed to every public officer and employee of the City within thirty (30) days after enactment of this Code. Each public officer and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon the duties of public office or employment.

Part C. State Gift Ban Act

SEC. 2-3120. ADOPTION OF ACT.

- (a) The State Gift Ban Act (5 ILCS 425 et seq.) is hereby adopted as required by Section 83 of the Act (5 ILCS 425/83).
- (b) The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the City.

SEC. 2-3121. ETHICS OFFICER.

To the extent authorized by law and to the extent required by Section 35 of the Act (5 ILCS 425/35), the city administrator is appointed to serve as the "ethics officer" of the City. The ethics officer's duties shall be as provided in Section 35 of the Act.

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SEC. 2-3122. STATE LEGISLATIVE ETHICS COMMISSION; COMPLAINTS.

All complaints for violations of the Act and this ordinance shall be filed with the state legislative ethics commission (created by Section 45(a)(6) of the Act).

SEC. 2-3123. EXISTING ETHICS ORDINANCE OR GIFT BAN ORDINANCE.

This ordinance does not repeal or otherwise amend or modify Sec. 2-3113 et seq. of the Code, which regulates the conduct of City officials and employees. To the extent that, and in any circumstance wherein Sec. 2-3113 is less restrictive than the State Gift Ban Act or this ordinance, then the provisions of this ordinance shall prevail in accordance with the provisions of Section 95 of the Act. Where this ordinance would be less restrictive than the provisions contained in Sec. 2-3113 et seq., then Sec. 2-3113 et seq. shall control.

SEC. 2-3124. FUTURE AMENDMENTS TO STATE GIFT BAN ACT.

Any amendment to the State Gift Ban Act (5 ILCS 425/1 et seq.) that becomes effective after the passage of this ordinance shall be incorporated into this ordinance by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this ordinance by reference without formal action by the corporate authorities of the City.

SEC. 2-3125. FUTURE DECLARATION OF UNCONSTITUTIONALITY OF STATE GIFT BAN ACT.

(a) If the Illinois Supreme Court declares the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional in its entirety, then this ordinance shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. The ordinance shall be deemed repealed without further action by the corporate authorities of the City if the Act is found unconstitutional by the Illinois Supreme Court.

(b) If the Illinois Supreme Court declares part of the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this ordinance shall remain in full force and effect; however, that part of this ordinance relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the City. (Ord. No. 99-6-3; Chapter 2, Art. III, Div. 1 amended by adding a new Part C; 06/08/99)

Part D. State Mandated Officials and Employees Ethics Act.

SEC. 2-3126. DEFINITIONS.

For purposes of this ordinance, the following terms shall be given these definitions:

(a) **Campaign for elective office** means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

(b) **Candidate** means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

(c) **Collective bargaining** has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

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(d) **Compensated time** means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

(e) **Compensatory time off** means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

(f) **Contribution** has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

(g) **Employee** means a person employed by the City of Moline whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of the City as employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

(h) **Employer** means the City of Moline.

(i) **Gift** means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

(j) **Leave of absence** means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

(k) **Officer** means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

(l) **Political activity** means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

(m) **Political organization** means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

(n) **Prohibited political activity** means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

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- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.
- (o) **Prohibited source** means any person or entity who:
 - (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
 - (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
 - (3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
 - (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

SEC. 2-3127. PROHIBITED POLITICAL ACTIVITIES.

(a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the City of Moline in connection with any prohibited political activity.

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(b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.

(e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

SEC. 2-3128. GIFT BAN.

Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

SEC. 2-3129. EXCEPTIONS.

Section 2-3128 is not applicable to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- (3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

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- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- (8) Food or refreshments not exceeding seventy-five dollars (\$75) per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- (9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- (10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (11) Bequests, inheritances, and other transfers at death.
- (12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than one hundred dollars (\$100.00).

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

SEC. 2-3130. DISPOSITION OF GIFTS.

An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

SEC. 2-3131. ETHICS ADVISOR.

The Moline city attorney is appointed to serve as the "ethics advisor" of the City of Moline. The ethics advisor shall provide guidance to the officers and employees of the City of Moline concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The ethics advisor shall perform such other duties as may be delegated by the City Council.

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SEC. 2-3132. EXISTING ETHICS ORDINANCE OR GIFT BAN ORDINANCE.

This ordinance does not repeal or otherwise amend or modify Sec. 2-3113 et seq. of the Code, which regulates the conduct of City officials and employees. To the extent that, and in any circumstance wherein Sec. 2-3113 is less restrictive than the State Officials and Employees Act (Public Act 93-615 as amended by Public Act 93-617) or this ordinance, then the provisions of this ordinance shall prevail in accordance with the provisions of the Act. Where this ordinance would be less restrictive than the provisions contained in Sec. 2-3126 et seq., then Sec. 2-3126 et seq. shall control.

SEC. 2-3133. LOCAL ETHICS COMMISSION.

The local Ethics Commission for the City of Moline shall be composed of the members of the Board of Fire and Police Commissioners of the City of Moline as created by Section 2-4400 of this chapter.

The Commission shall have the following powers and duties:

- (1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
- (2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section of this Ordinance and refer violations of this Ordinance to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Ordinance and not upon its own prerogative.
- (3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Ordinance.
- (4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the City of Moline to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.
- (5) The powers and duties of the Commission are limited to matters clearly within the purview of this Ordinance.

SEC. 2-3134. STATE LEGISLATIVE ETHICS COMMISSION; COMPLAINTS.

- (a) Complaints alleging a violation of this Ordinance shall be filed with the Ethics Commission.
- (b) Within three (3) business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three (3) business days after receipt by the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.
- (c) Upon not less than 48 hours public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Ordinance, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant

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and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within seven (7) business days after receiving the complaint.

(d) If the complaint is deemed sufficient to allege a violation of Section 2-3127 of this Ordinance and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within four (4) weeks after the complaint's receipt. Alternatively, the Commission may elect to notify, in writing, the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

(e) If the complaint is deemed sufficient to allege a violation of Article 5 of Public Act 93-615, as amended by Public Act 93-617, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

(f) On the scheduled date and upon at least 48 hours public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only to the extent authorized by the Open Meetings Act.

(g) Within thirty (30) days after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the alleged violator and to the City Manager or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

(h) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within seven (7) business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within fourteen (14) days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven (7) days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the City Manager or impose a fine upon the violator, or both.

(i) If a complaint is filed during the sixty (60) days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under subsection (e) within seven (7) days after the complaint is filed, and during the seven (7) days preceding that election, the Commission shall render such decision before the date of that election, if possible.

(j) The Commission may fine any person who intentionally violates any provision of Article 10 of Public Act 93-615, as amended by Public Act 93-617, in an amount of not less than One Thousand One Hundred One Dollars (\$1,001.00) and not more than Five Thousand Dollars (\$5,000). The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Ordinance in an amount of not less than One Thousand One Hundred One Dollars (\$1,001.00) and not more than Five Thousand Dollars (\$5,000). The Commission may recommend any appropriate discipline up to and including discharge.

(k) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.

SEC. 2-3135. PENALTIES.

(a) A person who intentionally violates any provision of Section 2-3127 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500).

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(b) A person who intentionally violates any provision of Section 2-3128 of this Ordinance is subject to a fine in an amount of not less than One Thousand One Hundred One Dollars (\$1,001.00) and not more than Five Thousand Dollars (\$5,000).

(c) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official, may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500).

(d) A violation of Article 5 of Public Act 93-615, as amended by Public Act 93-617, shall be prosecuted as a criminal offense by an attorney for the City of Moline by filing in the circuit court any information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

A violation of Section 2-3128 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the City of Moline, or, by the Ethics Commission through the designated administrative procedure.

(e) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Section 2-3127 or 2-3128 of this Ordinance is subject to discipline or discharge. (Ord. No. 3022-2004; new Part D enacted, "State Mandated Officials & Employees Ethics Act"; 04/27/04)

DIVISION 2. EXECUTIVE DEPARTMENT

SEC. 2-3200. CREATED; PURPOSE.

The executive department is hereby created. The purpose of this department is to provide executive and general administrative direction, supervision, and control over the affairs of the City. This department will provide a focus for municipal policy and program development, coordination, and implementation. Legal services to the City shall be provided by this department through the City's attorneys. Funds for the operation of the legislative and court functions and responsibilities of the City shall be included in the annual budget of the executive department.

SEC. 2-3201. MAYOR.

(a) **Qualifications and term.** The mayor shall be a citizen of the United States, a qualified elector, reside within the City limits, and shall hold office for a term of four (4) years, such term expiring on May 1 following the municipal election of candidates to said office and until a successor is elected and qualified.

(b) **Acts creating vacancy in office.** The following acts shall create a vacancy in the office of the mayor:

- (1) Resignation.
- (2) Failure to elect or qualify.
- (3) Death.
- (4) Permanent mental or physical disability.
- (5) Conviction of a disqualifying crime.
- (6) Abandonment of office.

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(7) Removal from office.

(8) Removal of residency from the City.

(c) **Mayor pro tem.** During a temporary absence or disability of the mayor, the City Council shall elect one of its own members to act as mayor pro tem, who, during the absence or disability of the mayor, shall possess the power of mayor.

(d) **General powers and duties.** The mayor shall have the following general powers and duties:

(1) Recommend to the City Council for consideration such policies, programs, projects, or other measures as deemed necessary or expedient.

(2) Take care that the laws and ordinances of the City are faithfully enforced.

(3) Exercise all appropriate powers as granted to the mayor by law, including, but not limited to power to appoint members to boards and commissions pursuant to the Code, the power to appoint such person(s) necessary to fill unexpired terms of aldermen when said terms are or become vacant, the power to preside at Council meetings, including the power of voting as set forth in the Moline Code of Ordinances, and all other granted powers except those functions and responsibilities assigned by law to other elected officials and appointed officers.

(4) Provide continuing liaison with the various agencies of the City and with other governmental bodies both within and outside the City.

(5) Have the power at all times to examine and inspect the books, records and papers of any agent, employee, or officer of the City; and

(6) Perform all other duties as are prescribed by law, this Code, or other City ordinance.

(e) **Release of prisoners.** The mayor may release any person imprisoned for the violation of any provision of this Code or other City ordinance, and shall report the release, with the cause thereof, to the City Council at its first session thereafter.

(f) **Emergency powers of the mayor; enumerated; "curfew," "state of emergency" defined; notice to public; suspension of certain businesses; penalty.**

(1) As used in this section, the following terms shall have the meanings ascribed to them:

a. **Curfew** is hereby defined as a prohibition against any person or persons walking, running, loitering, standing, or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City, except officials of any governmental unit and persons officially designated to duty with reference to a civil emergency.

b. A **state of emergency** shall mean:

1. A riot, unlawful assembly, mob action or civil disturbance characterized by the use of actual force or violence or any threat of force or violence accompanied by apparent immediate power to execute such threat by person or persons in the City without authority of law.

2. Any natural disaster or man-made calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the City, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

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- (2) The mayor shall have the power, when necessary, to call upon every male inhabitant of the City over eighteen (18) years of age, to enforce the laws, the provisions of this Code or other City ordinance, and call out the militia to aid in suppressing riots and other disorderly conduct, or in carrying into effect any law, the provisions of this Code or other City ordinance, subject to the authority of the governor, as the commander-in-chief of the militia.
- (3) The mayor is hereby authorized, upon the occurrence of a state of emergency, to find that the state of emergency exists in accordance with said definitions of subsection (f)(1), and said mayor is, in addition, hereby authorized to exercise the powers granted in this section during the state of emergency, upon the signing under oath a statement finding that a state of emergency does exist. Said statement shall also set forth facts to substantiate such findings, describe the nature of the emergency and declare that a state of emergency exists.
- (4) This statement shall be filed with the city clerk as soon as practicable after its execution.
- (5) After a declaration of a state of emergency by the mayor, a general curfew applicable to such persons and to such geographical areas of the City, or the City as a whole, may be ordered as deemed advisable and the curfew shall be applicable during such hours of the day or night as deemed necessary in the interest of the public safety and welfare.
- (6) After the declaration of a civil emergency, the mayor may also in the interest of public safety and welfare make any or all of the following orders, by executive order:
 - a. Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption or sale of intoxicating liquor and beer is permitted.
 - b. Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.
 - c. Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
 - d. Order the discontinuance of selling, distributing, dispensing, transferring or giving away of any firearms or ammunition of any character whatsoever.
 - e. Issue such other orders as are imminently necessary for the protection of life and property.
- (7) A statement of emergency declared by the mayor in accordance with this section shall expire not later than the adjournment of the first regular meeting of the City Council after a statement of emergency is declared by the mayor.
- (8) Upon issuing the declaration herein authorized, the chief of police shall notify the news media situated within the City and shall cause three (3) copies of the declaration declaring the existence of the emergency to be posted at the following places within the City: the City Hall, the police station and the post office.
- (9) Any person violating the provisions of this section or any executive order issued pursuant thereto shall be guilty of an offense and punished as provided in Section 1-1107 of this Code.
- (g) **Salary.**
 - (1) The mayor shall receive a salary of twenty thousand dollars (\$20,000.00) per annum.

(Ord. No. 3026-2012; Sec. 2-3201(g)(1) repealed; new Sec. 2-3201(g)(1) enacted; 11/16/12; Ord. No. 3008-2017; Sec. 2-3201(g)(2) repealed in its entirety – elimination of mayoral health insurance participation requirement effective May 4, 2021; 06/13/17)

SEC. 2-3202. CITY ADMINISTRATOR.

- (a) **Creation.** There is hereby created the position of city administrator.

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(b) **Appointment and dismissal.** The administrator shall be appointed by the City Council. The city administrator shall be the administrative head of the municipal government; shall be responsible for the efficient administration of all departments; shall be appointed without regard to said administrator's political beliefs and for an indefinite term, and the conditions of the city administrator's employment may be set forth in an agreement. In the case of the absence or disability of the city administrator, the City Council may designate a qualified administrative officer of the municipality to perform the duties of the city administrator during such absence or disability. The city administrator may at any time be removed from office by a majority vote of the members of the City Council.

(c) **Duties and responsibilities.** The city administrator shall be the chief administrative officer of the City and shall be responsible to the City Council for the general administration and direction of the operations of the various departments and offices of the City and in addition thereto shall:

- (1) Enforce the laws and ordinances within the municipality;
- (2) Appoint all directors of departments with the advice and consent of the City Council; except the parks and recreation director and library director, which directors shall be appointed by the respective commissions;
- (3) Remove all directors of departments without the advice and consent of the City Council; except the parks and recreation director and the library director;
- (4) Exercise control of all departments and divisions thereof created in this Code, or that may be created by the City Council; except as limited elsewhere in this Code.
- (5) Assist the mayor and City Council in the preparation and administration of the annual budget and assist the accounts and finance officer in the preparation of the annual appropriations and tax levy ordinances. In the preparation of the annual budget, the city administrator shall consult with each of the various City departments, commissions, and boards and may require and obtain such information from them as may be useful and necessary for preparation of the annual budget. Revenue estimates and expenditure recommendations shall be presented in a manner which is in conformity with good fiscal management practices.
- (6) Establish such procedures as shall ensure that no expenditures are made by the City, City departments, commissions or boards except as authorized by the appropriations ordinances, and in the administration of such procedures have the authority to examine all books and records of all City departments, commissions and boards.
- (7) Permit, encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all City departments, commissions and boards.
- (8) Have the power on any formal charge to remove any officer or employee appointed by the city administrator, other than those covered by Sec. 2-3202(c)(3) whenever the administrator shall be of the opinion that the interests of the City demand such removal. Such removal shall be made without the advice, consent or review of the City Council.
- (9) Attend all meetings of the City Council with the right to take part in the discussions, but with no right to vote;
- (10) Recommend to the City Council for adoption such measures as deemed necessary or expedient;
- (11) Administer the Personnel Code and the City of Moline Position Classification and Compensation Plan and in relation thereto establish and maintain a personnel records system.

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- (12) Negotiate on behalf of the City with City employee organizations pursuant to direction of the City Council.
 - (13) Establish from time to time and encourage the establishment by City departments and offices, employee training programs that will improve the efficiency and effectiveness of the various City departments and offices.
 - (14) Analyze all City departments and offices and recommend to the City Council methods to improve their efficiency and effectiveness.
 - (15) Assist the mayor and City Council in the development of City policies and programs.
 - (16) Examine the long-range fiscal outlook of the City and advise the City Council regarding such matters.
 - (17) Perform financial analysis of annexation, tax, and legislative proposals and advise the City Council regarding such matters.
 - (18) Maintain a current knowledge of state and federal funding programs, present analysis of appropriate programs to the City Council and initiate and administer those programs approved by the City Council.
 - (19) Perform such other duties, consistent with the ordinances of the City and the laws of the State of Illinois, as the City Council may direct or delegate from time to time.
- (d) **Qualifications.** The city administrator shall have the following training and qualifications:
- (1) Education and training should be sufficient to accomplish the job as described in the employee job description.
 - (2) Knowledge: Shall have a knowledge of management administration, City government operation, and good general business practices; shall also have ability to perform administrative, managerial and staff functions; shall have ability in employee and public relations; shall have supervisory ability; shall have an ability to communicate verbally and in writing.
- (e) **Salary.** The salary of the city administrator shall be set by the City Council as provided by law.

(Ord. No. 92-6-1; Sec. 2-3202 repealed; new section 2-3202 enacted; 06/02/92)

(Ord. No. 2003-05-05; references to standing committees changed to "City Council" or "Committee-of-the-Whole" throughout the Code; 05/13/03)

SEC. 2-3203. CORPORATION COUNSEL.

(a) **Creation.** There is hereby created the position of corporation counsel. The corporation counsel can either be filled either by a full-time City employee or an outside attorney or law firm. If the corporation counsel is not a full-time City employee, the position shall be considered an independent contractor.

(b) **Appointment and dismissal.** The corporation counsel shall be appointed by the city administrator with the advice and consent of the City Council and may be dismissed by the city administrator at any time in accordance with the provisions of this Code set forth in Sec. 2-3202(c)(3). In the event a corporation counsel appointed by the city administrator does not receive the advice and consent of the City Council, the city administrator may appoint a temporary corporation counsel whose temporary appointment may not exceed ninety (90) days and cannot be renewed after such appointment has expired.

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(c) **Qualifications and conditions of employment.** The corporation counsel shall be licensed by the Supreme Court of the State of Illinois, shall be experienced in the general practice of law, and shall be knowledgeable in municipal law.

(d) **Duties and responsibilities.** The corporation counsel shall report to the city administrator and mayor and have the following duties and responsibilities:

- (1) To serve as principal legal specialist of the City as directed pursuant to the ordinance.
- (2.a) To provide verbal and written advice to the mayor and city administrator or, at the direction of the mayor or city administrator, any city officer on any matter of law in which the interests of the City are involved.
- (2.b) To provide verbal and written advice to the City Council and any of its committees on any matter of law in which the interests of the City are involved as directed by the city administrator. When said advice is requested in written form, the request shall be made by motion on the Council floor and shall require a majority of Council present to vote in favor of said request.
- (3) To prepare ordinances when requested by the mayor, city administrator, or the City Council upon motion made on the Council floor and apprised by a majority of Council members present in favor of said request.
- (4) To attend all regular or special meetings of the City Council, and upon request of the mayor or city administrator, any meetings of the City Council's committees.
- (5) As directed by the city administrator, to prosecute, defend or appeal on behalf of the City all cases in which the interests of the City are involved, including those arising from traffic violations, or any case where the official acts of any City officer or agent are involved except where those cases are handled by an insurance provider for the City.
- (6) To examine all assessments and tax lists or other papers in relation to the assessment or collection of taxes or assessments, and approve the assessments and tax lists, and represent the City in all special assessment proceedings.
- (7) To report to the city administrator, mayor and City Council from time to time the status of all cases of the City in litigation.
- (8) To review all bonds, contracts and other instruments and recommend action concerning them prior to the City making commitments.
- (9) To perform such other legal or advisory services as requested by the city administrator.

(e) **Special counsel.** From time to time, the city administrator may authorize the engagement of special legal counsel to handle individual legal matters.

Such special counsel shall be compensated at a rate established and approved by the City Council at the time of engagement. The corporation counsel shall cooperate with such special legal counsel for the term of such engagement. Special legal counsel shall be engaged only for a specific legal matter or for a specific period of time.

(Ord. No. 99-5-2; Sec. 2-3203(d) and (e) repealed; new Sec. 2-3203(d) and (e) enacted; 05/04/99) (Ord. No. 2000-12-07; Sec. 2-3203, subsection (d)(2) repealed; new subsection (d)(2) enacted; 12/05/00) (Ord. No. 3008-2019; Sec. 2-3203, "CITY ATTORNEY," repealed in entirety; new Sec. 2-3203, "CORPORATION COUNSEL," enacted; further establishing that any reference to city attorney in the Code shall have the same meaning as the term corporation counsel; 03/12/19)

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SEC. 2-3204. ADDITIONAL PERSONNEL.

In addition to the mayor, the city administrator, and the city attorney, the executive department shall include such other personnel as authorized by the City Council from time to time.

**DIVISION 3. THE CITY CLERK
(Text Effective May 1, 2001)**

SEC. 2-3300. OFFICE CREATED; DUTIES; APPOINTMENT.

There is hereby created the appointive office of the city clerk who shall have all the duties and responsibilities of the city clerk as provided by statute, except as directed otherwise by the city administrator or except as modified herein. The city clerk shall be appointed by the city administrator with the advice and consent of the City Council and may be dismissed by the city administrator at any time in accordance with the provisions of this Code for the removal of officers set forth in Sec. 2-3202(c)(3).

SEC. 2-3301. SALARY.

The city clerk shall receive a salary as provided in the Class and Compensation Plan, as adopted by the City Council on March 12, 2002. Thereafter, the city clerk shall receive the same general wage increase and anniversary increase provided to the general class of employees exempt from collective bargaining agreements, if any is so provided in any particular year.

(Ord. No. 2002-04-01; Sec. 2-3301 repealed in its entirety; new Sec. 2-3301 related to the same subject matter enacted; 04/02/02)

**SEC. 2-3302. ATTENDANCE AT CITY COUNCIL MEETINGS;
RECORDS.**

The city clerk shall attend each meeting of the City Council, and shall keep a correct typed or computerized record of the proceedings of the City Council actually attended by the clerk.

**SEC. 2-3303. PREPARATION AND CUSTODY OF RECORDS;
PUBLICATION OF ORDINANCES.**

The city clerk shall keep all the records, papers, votes and proceedings of the City Council, and of the City, during the recess of the county, and all assessments, returns, and of elections of the City officers; and shall not suffer any records or papers, or other instrument of writing belonging to the City, to be taken out of the City's records office, subject to the penalty prescribed in Section 1-1107 of this Code, and a further forfeiture of the amount of all damages that may accrue by the loss or obliteration of any records or papers of the City, should any document be lost or obliterated.

SEC. 2-3304. EXECUTION OF DOCUMENTS

The city clerk, or one authorized to act in the clerk's behalf, shall, in conjunction with the mayor, sign all ordinances, bonds, and orders on the City treasury, and affix the seal of the City thereto.

SEC. 2-3305. DEPUTY CLERKS; APPOINTMENT, DUTIES.

(a) The city administrator shall have the authority to appoint such number of uncompensated deputy clerks as are necessary for the efficient operation of the office. Such deputies shall be appointed from City employees already employed by the City.

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(b) The deputy city clerks shall have the power and duty to execute all documents required by any law to be executed by the city clerk, and affix the seal of the city clerk thereto wherever required. In signing any document, a deputy city clerk shall sign the name and title of such deputy city clerk.

(c) The powers and duties described in subsection (b) shall be exercised only in the absence of the city clerk from the place where the city clerk's office is maintained, and only when either written direction has been given by the clerk to the deputy city clerk to exercise such power, or the city administrator has determined in writing that the city clerk is temporarily or permanently incapacitated to perform such function.

(Ord. No. 99-10-1; Chapter 2, Div. 3, "THE CITY CLERK" repealed in its entirety; new Chapter 2, Div. 3 relating to the same subject matter enacted; 10/05/99 [effective after May 1, 2001])

DIVISION 4. DIRECTOR OF PUBLIC WORKS

SEC. 2-3400. DEPARTMENT OF PUBLIC WORKS – CREATED.

There is hereby created the department of public works to be composed of five (5) divisions:

- (1) Engineering;
- (2) Fleet Services;
- (3) Municipal Services;
- (4) Water;
- (5) Water Pollution Control.

SEC. 2-3401. POSITION OF DIRECTOR OF PUBLIC WORKS CREATED; APPOINTMENT; RESPONSIBILITY; QUALIFICATIONS.

There is hereby created the position of director of public works. The director of public works shall be appointed by the city administrator with the advice and consent of the City Council and may be dismissed by the city administrator at any time in accordance with the provisions of this Code for the removal of officers set forth in Sec. 2-3202(c)(3). Said director shall be responsible for the administration, direction, and supervision of the department of public works and its personnel and carry out such other functions as may be assigned from time to time by the city administrator. The individual appointed to the position of director of public works shall be a person skilled in public works and utility management, and shall have experience in planning and scheduling work; a demonstrated ability to communicate orally and in writing; a knowledge and understanding of and experience in street construction and maintenance; hydraulic or sanitary engineering; or any equivalent combination of experience and training which provides the required knowledge, skills and abilities.

SEC. 2-3402. POWERS AND DUTIES.

The director of public works shall organize the department and command, coordinate and control all the assigned functions and duties of the department. The director of public works shall protect the department from unnecessary damage or loss and keep the department in proper running order and repair. The director of public works shall have the following functions and duties:

- (1) The construction, operation, and maintenance of all sanitary and storm sewer facilities and appurtenances, including sanitary sewers and pumping stations, storm sewers, drains, ditches, culverts, and water courses under the jurisdiction of the City.

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- (2) The construction, operation, and maintenance of all water treatment and water facilities and appurtenances, including water mains, booster pumping stations, and water storage units, under the jurisdiction of the City.
- (3) Plan and direct the repair and maintenance of streets, sidewalks, alleys, storm sewers, sanitary sewers, water mains and appurtenances thereto including:
 - a. Snow removal and ice control;
 - b. Street sweeping and cleaning;
 - c. Patching of improved and unimproved streets;
 - d. Storm sewer cleaning and repair;
 - e. Stormwater drainage ditch maintenance;
 - f. Sanitary sewer cleaning and repair;
 - g. Water distribution system repair;
 - h. Weed control on public right-of-way.
- (4) Plan and direct the collection and disposal of garbage and refuse.
- (5) The control, management, and supervision of all City shops and garages, including all equipment and vehicles.
- (6) Administration and maintenance of all public buildings.
- (7) Maintain appropriate records and prepare monthly and annual reports as may be required.
- (8) Be the chief fiscal planner for the department; prepare the annual budget and control expenditures for all the foregoing.
- (9) Undertake long-range planning and programming of public works services.
- (10) Shall cause all the ordinances in relation to the streets, alleys and sidewalks to be enforced, and shall give written permits when necessary to private parties desiring to use the streets and alleys, and shall enter complaints for violation thereof. Shall obey such orders, general and special, as may be received from the City Council and the city administrator. And for any refusal or willful neglect to perform any duty required of the director of public works by any ordinance of the City, said director shall be subject to removal from office.
- (11) The director is hereby designated as supervisor of traffic signals, police and fire alarms, and it is hereby made said director's duty to keep these systems at all times in good condition, to make such tests as are necessary or advisable and to make extensions to the systems as provided for from time to time. In addition said director is hereby authorized to operate and keep in repair, and to extend lines and wires for fire and police alarm systems, and to properly care for other matters coming under the director's supervision.
- (12) Perform such other duties, consistent with the ordinances of the City and laws of the State of Illinois, as the city administrator may direct from time to time.
- (13) Establish and administer appropriate work rules, standards and practices consistent with City ordinances and policies to accomplish the foregoing.
- (14) The director shall assist the city engineer in keeping a correct map or profile of all the water and sanitary sewer mains now or hereafter laid in said City on file in the city engineer's office, with their dimension, location and connections, hydrants, and cutoffs, and shall also keep, in conjunction with the accounts and finance officer, just, true and correct books of account, in such a manner that the

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same will at all times show the true condition and state of business of said office. Such books shall at all time be subject to inspection by the City Council. The director shall deliver such books of account to any successor in office when said director's appointment is terminated.

- (15) The director of the department, or person duly authorized by said director, shall review plans and specifications for extensions and improvements to the water and/or sanitary sewer system and submit recommendations for approval or changes. The director shall assist the city engineer in determining that extensions and improvements are in accordance to plans and specifications.
- (16) It shall be the duty of the director of the department to enforce all the laws and ordinances related to the entire water and water pollution control system of the City.
- (17) Shall not, in a private capacity, either directly or indirectly, for said director or others, or by others in trust for said director or said director's own or others' account, be interested in any work or labor performed for the City by, through or under the director as such officer, or in any contract or agreement made and entered into by the director by virtue of said director's office.

(Ord. No. 2003-05-05; references to standing committees repealed throughout the Code and updated with "City Council" or "Committee-of-the-Whole;" 05/13/03)

SEC. 2-3403 PERSONNEL IN DEPARTMENT OF PUBLIC WORKS.

In addition to the director of public works, the department of public works shall include city engineer; fleet maintenance manager; municipal services general manager; water general manager; water pollution control general manager; and such other personnel as authorized by the City Council from time to time.

SEC. 2-3404. CITY ENGINEER; DUTIES.

The city engineer shall be a registered professional engineer in the state; shall report to the director of public works and have the following duties and responsibilities:

- (1) The city engineer, in consultation with the director, shall perform all engineering services for the department of public works and for such other departments of the City as may be required.
- (2) The city engineer shall prepare plans estimates and specifications for all work done by the board of local improvements, by the street section and for such other work as the City Council shall designate by resolution or ordinance that requires the skill of a civil engineer and surveyor.
- (3) Shall examine and recommend for approval, in accordance with the provisions of this Code regulating subdivisions, all plats of subdivisions of land within the City, cause the plats to be recorded upon the City maps and records, and assign to each lot the proper house numbers according to the provisions of Section 28-5100 et seq. in this Code.
- (4) Shall prepare and keep on file in the engineering division a sectional map record showing:
 - a. The size and location of all water and/or sewer systems constructed in the City and also location of all branches for house connections;
 - b. The location and character of all pavements and storm drains constructed in the City;
 - c. The location and character of all sidewalks constructed;
 - d. In book form, a progress record of plans and profiles of all public works constructed in the City as is not otherwise recorded in detail.

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- (5) Shall make all necessary surveys for establishing street grades and boundaries of City property and shall furnish street grades to property owners along streets where such grades have been established when directed so to do by the mayor or City Council.
- (6) Shall supervise and direct all work pertaining to the future extension of all water, storm, and sanitary sewer mains. The city engineer shall keep a correct map of all water, storm, and sanitary sewer mains laid now or hereafter for the use of the department of public works. The City engineer shall authorize, and the plumbing inspector shall inspect and approve, all private connections made to the water and/or water pollution control system.
- (7) Conduct engineering studies, in consultation with the director, and maintain all engineering records and documents of the City, provide technical engineering advice and service to all City departments, division, offices, boards, commissions as the city administrator may direct from time to time.
- (8) Design and inspect all City construction projects and review all engineering work done by consultants for the City to assure that the best interests of the City are met.

SEC. 2-3405. SUPERVISION OF PUBLIC WORK.

The city engineer shall direct as to workmanship, materials and methods of construction all public works, shall have supervision of the inspectors and inspection of all public works, shall make such tests as may be required of materials of construction for work done by the board of local improvements and shall perform such other duties as may be assigned to said director from time to time by the city administrator or the City Council.

SEC. 2-3406. BONDS OF EMPLOYEES.

The director of the department and all other employees shall file bonds in such amount as shall be approved by the City Council for the faithful performance of their duties, and such bonds shall run in the name of the City, and shall be filed with the city clerk. The premiums shall be paid for from the funds of the department.

(Ord. No. 2002-08-07; Div. 4, "DIRECTOR OF PUBLIC WORKS," repealed in its entirety; new Div. 4 related to the same subject matter enacted; 08/27/02)

DIVISION 5. RESERVED

DIVISION 6. ACCOUNTS AND FINANCE OFFICE

SEC. 2-3600. ACCOUNTS AND FINANCE OFFICE - CREATED.

There is hereby created the office of accounts and finance to be composed of three (3) divisions:

- (1) Purchasing and central services;
- (2) Collections and licensing;
- (3) Accounting and payroll.

SEC. 2-3601. SAME – POSITION.

Said office of accounts and finance shall be under the supervision and control of an accounts and finance officer. Said officer shall be appointed by the city administrator with the advice and consent of the City Council and

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may be dismissed by the city administrator at any time in accordance with the provisions of this Code for the removal of officers set forth in Sec. 2-3202(c)(3). Said officer shall possess the following qualifications:

- (1) Education and training should be sufficient to accomplish the job as described in the employee job description.
- (2) Knowledge of the principles of cash management; municipal accounting; data processing; fiscal planning; and all areas of fiscal management, control, and administration.

SEC. 2-3602. SAME - DUTIES.

Said accounts and finance officer shall have charge of the supervision and control of the office of accounts and finance and the administration of the fiscal affairs of the City to the extent same has not been reserved to the mayor, city administrator, and City Council, and to that end said officer shall have the following authority and duties:

- (1) Keep books and accounts of the receipts and expenditures of all departments;
- (2) Keep accurate detailed accounts of:
 - a. All taxes and assessments, general or special in nature, assessed on behalf by or on behalf of the City and all money due to the City from any and every source;
 - b. Money received and the several sources from which derived; and
 - c. All funds of the City and disbursements made therefrom and all obligations incurred thereby.
- (3) Prescribe the method of keeping accounts for all departments, commissions, boards, and offices of the City, which method shall be uniform as nearly as practicable, shall conform to the laws of the state, and shall be consistent with sound municipal accounting principles;
- (4) Examine and audit all accounts and claims against the City except claims for unliquidated damages; and said officer, or one authorized to act in said officer's behalf by the City Council, shall not issue or sign any draft, check, or warrant until such examination and audit verifies the correctness of the account upon which the same is issued;
- (5) Be responsible for the approval of all proposed expenditures; and, unless said officer shall certify that there is an unencumbered balance of budgeted or appropriated and available funds for the purpose for which expenditure is to be made, no encumbrance and no expenditure shall be made;
- (6) Balance the books of account of all departments, boards, and commissions of the City each calendar month under the direction of the city administrator and make monthly and quarterly public financial statements to the City Council;
- (7) Present to the City Council annually, and whenever required by the City Council, a detailed statement of the financial condition of the City, which shall include all receipts and expenditures of the various departments; a detailed statement of the debt of the City, and the purpose for which it was incurred; and an inventory of all real estate, personal property, supplies, and equipment of the City, with both their cost and estimated current value;
- (8) Serve as ex officio City treasurer and have custody of all public funds belonging to or under the control of the City, or any office, department, board, commission, or agency of the City government; deposit all funds coming into said officer's hands in such depositories as may be designated by resolution or ordinance of the City Council subject to the requirements of law as to surety, the payment of interest on deposits, and any ratio limits as to deposits to assets;

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- (9) Have custody of all investments and invested funds of City government, or in possession of such government in a fiduciary capacity; have the safekeeping of all bonds, notes, or other evidences of indebtedness of the City, and be responsible for the receipt and delivery of the same for transfer, registration, or exchange;
- (10) Have supervision and direction of the collection of all moneys due the City from any other source whatsoever unless otherwise provided by law or ordinance and all moneys due the City collected by any other officer or employee of the City shall be promptly accounted for and paid into the City treasury; said collection shall specifically include water and sewer bill collections and administrative fines for parking violations;
- (11) Serve ex officio as the collector of special assessments and have all the duties thereof as provided by law;
- (12) Collect all taxes, special assessments, license fees, and other revenues of the City or for whose collection the City is responsible; and receive all money receivable by the City from the state or federal government; or from any court, or from any office, department, board, commission, or agency of the City; or from any source whatsoever;
- (13) Maintain payroll records and pay the City payroll as required by ordinance upon receipt of proper certification of the correctness of same;
- (14) Work under the direction and supervision of the city administrator in the preparation of the annual budget, revenue forecasts, and other fiscal documents;
- (15) Perform all other duties required by law of City auditors, comptrollers, treasurers, and collectors which have not been specifically provided for hereinabove; and
- (16) Perform all other duties which the City Council and city administrator may from time to time require or which by ordinance are assigned to said officer.

(Ord. No. 92-6-1; §2-3602 repealed; new section enacted; 06/02/92)

(Ord. No. 2003-05-05; references to standing committees repealed throughout the Code and updated with "City Council" or "Committee-of-the-Whole;" 05/13/03)

(Ord. No. 3029-2015; Sec. 2-3602(15) repealed – removed the duty of the accounts & finance officer to serve as manager of all surplus property to be disposed of by the City, its departments, boards, etc. and to supervise the procedures of said disposal; remaining subsections renumbered; 08/04/15)

SEC. 2-3603. SAME - DIVISION DUTIES.

The accounts and finance officer shall have the authority to arrange and distribute the various duties of said office to the separate divisions of the office according to the discretion of said officer; provided, said distribution is consistent with sound management practices, with due regard to the primary functions of said divisions as indicated by title of the divisions, and is in writing filed with the city clerk and the city administrator. In all cases, though, expenditures and collections shall be kept separate from the accounting and auditing functions.

ARTICLE IV. BOARDS AND COMMISSIONS

DIVISION 1. IN GENERAL

SEC. 2-4100. LIST OF BOARDS AND COMMISSIONS.

(a) The following boards and commissions are agencies of the City and the respective number of members and terms of said members of said boards and commissions are listed solely for information purposes and the sections elsewhere referenced in this Code creating said boards and commissions are governing:

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- (1) Board of Local Improvements: Three (3) members - Terms co-existent with their terms of City office.
- (2) Board of Fire and Police Commissioners: Three (3) members - Three-year term.
- (3) Citizens Advisory Council on Urban Policy: Seven (7) members - Three-year term.
- (4) Building Code Board of Appeals: Five (5) members - Four-year term.

Note: The mayor may designate the Building Code Board of Appeals to serve as the Housing Code and Dangerous Building Code appeals boards.

- (5) Library Board of Directors: Nine (9) members - Two-year term.
- (6) Electrical Appeals Board: Five (5) members - Three-year term.
- (7) Mechanical Appeals Board: Five (5) members - Two-year term.
- (8) Plumbing Appeals Board: Five (5) members - Two-year term.
- (9) Moline Commission on Youth: Seven (7) members - Three-year term.
- (10) Moline Plan Commission: Eleven (11) members - Six-year term.
- (11) Zoning Board of Appeals: Seven (7) members - Five-year term.
- (12) Park and Recreation Board: Seven (7) members - Five-year term.
- (13) Foreign Fire Insurance Tax Revenue Administrative Board: Seven (7) members – Two-year term.
- (14) Historic Preservation Advisory Committee: Seven (7) members - Three-year term.
- (15) Human Rights Commission: Seven (7) members – Four-year term.

(b) The members of said boards and commissions are appointed by the mayor with the advice and consent of the City Council, except the members of the foreign fire insurance tax revenue administrative board, all of who are members of the Moline fire department.

(c) All meetings of the boards and commissions will be held at City Hall, or other place so designated by special resolution and notice of the City Council, except that the library board of directors, Moline Commission on Youth, and park and recreation board shall hold meetings pursuant to the direction of each respective board.

(d) Any member of the City's boards and commissions may attend and participate in any meeting of said boards and commissions from a remote location via electronic means in the same manner as set forth for the City Council and under the same rules and restrictions set forth in Section 2-2200(f) above and provided that such attendance is in compliance with any other applicable laws.

(Ord. No. 94-9-5; Sec. 2-4100 repealed; new Sec. 2-4100 enacted; 09/13/94; Ord. No. 3020-2007; new Sec. 2-4100(d) enacted; 07/17/07; Ord. No. 3012-2009; Sec. 2-4100(12) repealed; new Sec. 2-4100(12) enacted; 05/26/09; Ord. No. 3036-2009; Sec. 2-4100(13) repealed; new Sec. 2-4100(13) enacted; 11/17/09)

(Note: Sec. 2-4100(a)(9) – scrivener's error corrected 05/29/15 by amending number of members from fifteen (15) to seven (7) per Ord. No. 3031-2006, enacted 06/27/06)

SEC. 2-4101. JURISDICTION AND AUTHORITY.

The various jurisdictions, powers, and authority of said boards and commissions, and their composition and the terms of said members of said boards and commissions, as set forth in Section 2-4100, are identified elsewhere in this Code, and each one of them shall abide by said delegation of authority.

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SEC. 2-4102. BOARDS AND COMMISSIONS WHICH ARE NOT CITY AGENCIES.

The following boards and commissions are not agencies of the City, but are independent entities to which the mayor either sits ex officio or appoints a member or members (with advice and consent of the City Council).

- (1) Board of Commissioners of the Metropolitan Airport Authority or Rock Island County: mayor appoints one (1) member - Five-year term.
- (2) Board of Trustees of the Rock Island County Metropolitan Mass Transit District: mayor appoints one (1) member - Three-year term.
- (3) Moline Housing Authority: Five (5) members - Five-year term.
- (4) Board of Trustees of the Police Pension Fund: Five (5) members - Two-year term.
- (5) Board of Trustees of the Fire Pension fund: mayor, ex officio.
- (6) Bi-State Regional Commission: mayor, ex-officio and mayor appoint one (1) alderman - term designated in appointment but not to exceed term of office.
- (7) Illinois Quad City Civic Center Authority Board: city administrator, ex-officio and mayor appoints two (2) members - Three-year term.
- (8) Board of Directors of the United Health Systems of the Quad Cities: mayor appoints six (6) members - Three-year term.
- (9) Board of Directors of the Quad Cities Convention and Visitors Bureau: mayor appoints one (1) member - Three-year term.
- (10) Quad City Development Board: mayor, ex-officio.
- (11) Moline Small Business Incubator Advisory Board: city administrator and director of planning and development, ex-officio and mayor appoints two (2) members - serve at pleasure of mayor.

SEC. 2-4103. REQUIREMENTS FOR ALL BOARD OR COMMISSION PUBLIC HEARINGS.

All public hearings required by statute or ordinance, required to be held before any board or commission created under the Moline Code of Ordinances, shall substantially conform to the Rules and Regulations promulgated from time to time by resolution of the City Council for such purpose.

(Ord. No. 3003-2004; new Sec. 2-4103 enacted; 02/03/04)

DIVISION 2. MOLINE COMMISSION ON YOUTH

SEC. 2-4200. CREATED; COMPOSITION; QUALIFICATIONS OF MEMBERS.

There is hereby created the Moline Commission on Youth, consisting of seven (7) members who are residents of the City, and who over the years have shown a special, vital and public spirited interest in youth leadership and youth problems.

(Ord. No. 3031-2006; Sec. 2-4200 repealed; new Sec. 2-4200 enacted; 06/27/06)

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SEC. 2-4201. EX OFFICIO MEMBERS.

The mayor, the chief of police, the juvenile officer and assistant juvenile officer, and the recreation director of the parks department shall be ex officio members of the commission on youth.

(Ord. No. 2003-05-05; references to standing committees changed to "City Council" or "Committee-of-the-Whole" throughout the Code; 05/13/03; Ord. No. 3031-2006; Sec. 2-4201 repealed; new Sec. 2-4201 enacted; 06/27/06)

SEC. 2-4202. PURPOSE.

The overall purpose of the commission shall be to encourage the continuing betterment of opportunities for the wholesome development of the youth in the City.

SEC. 2-4203. APPOINTMENT OF MEMBERS; RECOMMENDATIONS.

(a) The members of the commission shall be appointed by the mayor, subject to approval by the City Council. In making appointments, the mayor shall first consider recommendations made by the commission.

(b) In the month of March, the commission shall make its recommendations for appointments to fill the expiring terms of members, which appointments shall be effective on the first day of April. Recommendations for special appointments to the commission shall be made as vacancies may occur.

SEC. 2-4204. TERMS OF MEMBERS.

The terms of the members of the commission shall be for three (3) years.

SEC. 2-4205. FISCAL YEAR.

The fiscal year for the commission shall be from the first day of April to the last day of March next following.

SEC. 2-4206. ORGANIZATION.

The commission shall select its own chairman and officers in accordance with procedures, which the commission may adopt.

SEC. 2-4207. FUNCTIONS, POWERS AND DUTIES GENERALLY.

The commission shall:

- (1) Assist in coordinating and integrating governmental and private plans and services affecting the welfare of children and youth in the City.
- (2) Assist in coordinating and integrating all plans and services for protecting children from exposure to harmful influences and conditions conducive to delinquency.
- (3) Make or cause to be made studies and surveys related to juvenile behavior or in the interest of youth guidance.
- (4) Request and obtain such cooperation, assistance and data from City departments and agencies as may be reasonably necessary to carry out its work.
- (5) Recommend plans and methods for the improvement of opportunities for the wholesome development of youth in the City.

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- (6) Create subcommittees, composed of members or nonmembers of the commission, to aid and assist in the work of the commission.
- (7) Create a special subcommittee consisting of persons qualified by experience and training to provide guidance and counseling to children referred to it by the police department, the family court, the schools, or any social agency.

SEC. 2-4208. RECORD OF PROCEEDINGS.

The commission shall keep a written record of its proceedings, which shall be available for public inspection.

SEC. 2-4209. ANNUAL REPORT TO THE COUNCIL.

In March of each year, the commission shall prepare and submit to the City Council a summary report of its operations, studies, meetings held, and attendance of its members during the preceding fiscal year, along with a statement of projected plans for the subsequent fiscal year.

DIVISION 3. BOARD OF LOCAL IMPROVEMENTS

SEC. 2-4300. ESTABLISHED; COMPOSITION.

There is hereby established a board of local improvements for the City. This board shall consist of three (3) members who are qualified to serve as members of the board of local improvements under state law. The members' terms shall be co-extensive with their terms of City office.

SEC. 2-4301. MAYOR TO BE PRESIDENT OF THE BOARD.

The mayor shall be the president of the board of local improvements.

SEC. 2-4302. COMPENSATION.

The members of the board of local improvements shall receive such compensation as may be fixed from time to time by the City Council in conformance with state law.

SEC. 2-4303. MEETINGS.

The board of local improvements shall meet at such times as it may determine, or upon call of the president of the board.

SEC. 2-4304. POWERS AND DUTIES IN GENERAL.

The board of local improvements shall have the powers and duties prescribed by statute unless specifically modified herein.

SEC. 2-4305. HOME RULE POWERS.

The board of local improvements shall follow the procedures set forth herein below rather than those prescribed by state statute:

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- (1) Nothing in the state statute shall prevent the City Council from initiating a local improvement by referring an improvement project to the board for consideration as a local improvement;
- (2) The board shall have authority to accept bid security in the amount of five percent (5%) of the bid and in the form of a cash bond, a cash bond accompanied by a certified check, or a bid bond executed by corporate surety satisfactory to the board;
- (3) Upon retirement of bonds or vouchers or installment payments thereon, funds received shall be applied first to interest due thereon and then to the principal thereof and no separate accounting shall be required for all projects initiated after the date hereof;
- (4) Bonds or vouchers shall be paid in numerical order and not on a pro rata basis whenever sufficient monies are available for the redemption of one (1) or more of them;
- (5) Registered holders of bonds or vouchers shall be entitled to notice to the hearing on the final certificate of completion in the same manner as other interested parties;
- (6) The board shall have a preliminary assessment roll prepared and available for inspection at the public hearing to determine the scope, nature, necessity, and extent of a proposed local improvement, and said preliminary assessment roll shall be prepared as if the project as proposed and designed would go forward without modification. If the board modifies said project as a result of said public hearing, the preliminary assessment roll will be revised to reflect said modification prior to forwarding its recommendation to the City Council; and
- (7) If there are any changes in the preliminary assessment roll equaling ten (10) per cent or more of public benefit or the aggregate private benefit after the City Council has considered a project, but before an order of final confirmation, the board shall report said changes to the City Council prior to setting any hearing to confirm the revised assessment roll; and the City Council may then decide to proceed or abandon the local improvement project in its discretion.

DIVISION 4. BOARD OF FIRE AND POLICE COMMISSIONERS

SEC. 2-4400. ESTABLISHED; COMPOSITION; APPOINTMENT AND TERMS OF MEMBERS.

There is hereby established a board of fire and police commissioners which shall consist of three (3) members, who shall be appointed by the mayor, with the consent of the City Council, for a term of three (3) years.

SEC. 2-4401. PERSONS ELIGIBLE FOR APPOINTMENT TO THE BOARD.

The eligibility of persons for appointment to the board of fire and police commissioners shall be as prescribed by statute.

SEC. 2-4402. SECRETARY; APPOINTMENT, COMPENSATION.

The board of fire and police commissioners shall appoint a secretary who shall hold office until a successor is appointed by the board and whose compensation shall be fixed by the annual appropriation ordinance of the City.

SEC. 2-4403. POWERS AND DUTIES IN GENERAL.

The board of fire and police commissioners shall have such powers and duties as are prescribed by statute unless said powers and duties are specifically modified or revoked herein or elsewhere in the Moline Code of Ordinances.

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SEC. 2-4404. POLICE CHIEF NOT TO BE APPOINTED BY THE BOARD.

The board of fire and police commissioners shall not appoint the chief of police.

SEC. 2-4405. FIRE CHIEF NOT TO BE APPOINTED BY THE BOARD.

The board of fire and police commissioners shall not appoint the fire chief.

SEC. 2-4406. POWERS AND DUTIES IN DEROGATION OF STATE LAW.

Notwithstanding powers and duties established by state statute in the board of fire and police commissioners, said board shall have the following specific powers and duties:

- (1) To define the meaning of “day” for purposes of discipline and otherwise;
- (2) To establish and adopt rules and regulations pertaining to grounds for disqualification of applicants; provided, said grounds are job related and do not constitute unlawful discrimination;
- (3) To establish and adopt rules and regulations pertaining to the grant and use of military credits for original and promotional appointments and to the grandfathering of military credit points for existing officers still eligible for military credit points under existing law and regulations;
- (4) To establish and adopt rules and regulations pertaining to hearing procedures for the removal or discharge of probationary officers when the grounds for removal or discharge give rise to a property interest under the common law;
- (5) To establish and adopt rules and regulations pertaining to procedures for the issuance of departmental discipline under the board's appellate jurisdiction;
- (6) To establish and adopt rules and regulations pertaining to hearing procedures for non-disciplinary discharges as established by ordinance or memoranda of understanding; provided, such rules shall not provide for more than appellate jurisdiction in the board over same and shall not provide the board with discretion to determine if discharge is an appropriate remedy; and
- (7) To establish and adopt rules and regulations pertaining to the establishment and maintenance of original eligibility registers and duration for original eligibility registers; provided, no eligibility register shall be valid for a period longer than three (3) years.

Furthermore, should the City Council consider and approve by resolution rules and regulation promulgated by the board, any power or duty contained in said approved rules and regulations, whether in conflict with state law or not, is to be construed as a delegation of power by a home rule unit of government.

DIVISION 5. FOREIGN FIRE INSURANCE TAX REVENUE ADMINISTRATIVE BOARD.

SEC. 2-4500 BOARD ESTABLISHED.

There is hereby established a foreign fire insurance tax revenue administrative board which shall consist of seven (7) members.

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SEC. 2-4501. BOARD COMPOSITION, ELECTION, TERM, VACANCIES.

(a) The board shall consist of the fire chief, who shall hold office by virtue of rank, a battalion or assistant chief, a captain or lieutenant, a firefighter/engineer, a firefighter/paramedic, and two (2) at-large members.

(b) The battalion or assistant chief, captain or lieutenant, firefighter/engineer, and firefighter/paramedic shall be elected by secret written ballot of all the commissioned members of the Moline fire department held on the third (3rd) Thursday of April in even-numbered years; however, it is understood that the president of the employee organization recognized as the chief bargaining agent for members of the Moline fire department, if any, is entitled to sit ex-officio as a member of such board and that no election will be held for the rank held by such president. The term of the board members shall be two (2) years and shall commence on May 1 following election.

(c) The two (2) at-large members shall be elected from the sworn members of the bargaining unit of the Moline fire department. The term of the at-large board members shall be two (2) years and shall commence on May 1 following election; however, the original at-large members shall have an abbreviated term commencing thirty (30) days following passage hereof.

(d) If a vacancy occurs in office because a member terminates service with the fire department for any reason, is promoted out of the ranks represented or resigns, the fire chief shall appoint a person to fulfill the remaining term of a battalion or assistant chief, and the then union president, if any, shall appoint a person to fulfill the remaining term of the remaining ranks' representatives. If there is no exclusive bargaining agent recognized, the chief shall appoint a person to fill the remaining term of the remaining ranks' representatives.

(e) If there is an insufficient number of candidates to fill all positions, the number of board members may be reduced, but not to fewer than three (3) members.

SEC. 2-4502. BOARD OFFICERS: CHAIRMAN, TREASURER, SECRETARY.

The board members shall elect a chairman, a treasurer and a secretary to serve as officers of the board. Said officers shall serve in accordance with the bylaws adopted by said board.

(a) **Chairman.** A chairman of the board shall be elected annually from members serving on the board and shall preside over all meetings. In the event of the chairman's absence, the board members present shall select a chairman from those members present to serve in his or her absence for that meeting. The chairman shall be responsible for calling special meetings and shall be responsible for notifying the secretary of all meetings. The chairman shall vote on all issues to come before the board in the same capacity as any other member.

(b) **Treasurer.** The board shall annually elect a person to serve as treasurer of the board from either its members or from non-members, or, in the alternative, shall appoint the accounts and finance officer to serve as its treasurer. If no person is elected to serve as treasurer or in the event of any vacancy in the office of treasurer of the board, the accounts and finance officer shall serve as its treasurer until the vacancy is filled. Nothing herein shall prevent a person serving on the board to serve as treasurer, but no compensation shall be paid to such person or to the accounts and finance officer. Other persons serving as treasurer shall be entitled to compensation established by the board.

(c) **Secretary.** The secretary to the fire chief shall serve as the recording secretary to the board; however, the board shall elect from its members a person to serve as secretary of the board. The secretary of the board may be elected annually or following the board member elections held in even-numbered years so that the term for said position runs concurrently with the terms of the board members.

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SEC. 2-4503. POWERS AND DUTIES.

(a) The board shall have the power to expend money provided by the foreign fire insurance tax in accordance with written bylaws and to make gifts to the City of property, supplies or money for the use, maintenance and benefit of the Moline Fire Department and to adopt bylaws establishing the manner of selection of a chairman and the other offices of the board; the rules of procedure for the conduct of its meetings, the establishment of regular meeting times and places and the manner of calling special meetings; the authority of its officers; and other necessary matters dealing with the administration of the fund; however, such bylaws may not violate the following:

- (1) A quorum shall not exist without either the fire chief or the battalion or assistant chief representative being present; however, if both the fire chief and the battalion or assistant chief representative are absent for three (3) consecutive meetings, a quorum can exist without either the fire chief or the battalion or assistant chief representative being present so that regular business may be conducted.
- (2) No bylaw or amendment thereto shall be effective until same has been on file with the city clerk for at least ten (10) days; and
- (3) The purposes for which funds may be expended shall not include purposes other than the following:
 - a. Personnel expenditures for safety devices or education;
 - b. Personnel expenditures for training or training materials;
 - c. Personnel expenditures for health or physical fitness devices, education, or screenings but no member of the fire department shall be entitled to additional paid leave, pension, insurance, or other welfare benefits as a result of expenditures authorized by subsection a., b., or c., herein;
 - d. Furniture, appliances, and other materials necessary for personal comfort of personnel at the firehouses;
 - e. Specialized equipment such as cardio-pulmonary resuscitation dolls, jaws of life, etc.;
 - f. Compensation for treasurer and auditing of the fund;
 - g. Bonding for the board and its officers;
 - h. Pension contributions to the fire pension fund; but not contributions required of individual members of such fund; and
 - i. Contingencies for expenditures falling within the previous purposes or necessarily implied thereby.

(b) The board shall have the duty to submit to the City Council on or before April 30th of each year a report detailing meetings, actions, funds received and funds dispersed for the previous year ending on March 31st. In addition, the board shall require that accounts be kept in accordance with generally accepted accounting principles for government entities and make the book of accounts available for inspection and auditing by the accounts and finance officer or designee thereof. Further, no purchase of equipment, supplies or other property shall be made unless same complies with the purchasing ordinances and policies of the City.

(c) The board shall have the duty to require its treasurer and all board members to post a surety bond acceptable to the City in the penal sum of twenty-five thousand dollars (\$25,000.00) each conditioned on the faithful performance of the duties of office and the payment of all monies received by such officer according to law and ordinance.

(d) As required by state statute, all funds provided to, and/or expended by, the board shall be audited as part of the annual municipal audit to verify that all expenditures have been expended by the board only and are for the maintenance, use, and benefit of the department as set forth herein.

(Ord. No. 96-1-7; §2-4503 amended; new (d) enacted; 2-6-95; Ord. No. 3036-2009; Division 5 repealed in entirety; new Division 5 enacted; 11/17/09)

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DIVISION 6. KEEP MOLINE BEAUTIFUL COMMISSION

SEC. 2-4600. COMMISSION ESTABLISHED.

There is hereby established a Keep Moline Beautiful Commission which shall consist of seven (7) members and a non-voting staff project coordinator. The members shall be appointed by the mayor, with the advice and consent of the City Council.

SEC. 2-4601. COMMISSION COMPOSITION.

The Commission, as appointed by the mayor, shall consist of a representative of the City Council, a Main Street Program representative, four (4) citizen representatives, and a city employee representative.

SEC. 2-4602. ORGANIZATION.

The Commission shall select its own chairman and officers in accordance with procedures which the Commission may, from time to time, adopt.

SEC. 2-4603. MISSION.

The mission of the Keep Moline Beautiful Commission shall be to initiate and support active partnerships and projects between Moline citizens, businesses, and City government to promote a more beautiful, clean, and healthy environment for both residents and visitors to enjoy.

SEC. 2-4604. FUNCTIONS, GENERALLY.

The Commission shall:

- (1) Initiate and support National Keep America Beautiful initiatives and programs and conform to Keep America Beautiful ("KAB") certification requirements.
- (2) Initiate and support City of Moline beautification programs such as but not limited to the "residence of the month" beautification award, "business of the month" beautification award, Adopt-A-Park, Adopt-A-Street, Neighborhood Partnership Committee, and Green Groupies.

Initiate and support non-profit and volunteer organizations, environmental events and initiatives including the Blue Can Group, Main Street Program, Bald Eagle Days, Eagle View Group, Sierra Club, Earth Week Coalition, Living Lands and Waters, River Action, Quad City Conservation Alliance and Cool Cities.

(Ord. No. 96-2-1; Article IV amended; new Division 6 enacted; 02-13-96; Ord. No. 3050-2008; Division 6 repealed; new Division 6 enacted; 11/18/08)

DIVISION 7. HUMAN RIGHTS COMMISSION

SEC. 2-4700. SHORT TITLE.

This article may be cited as the "Human Rights Ordinance."

SEC. 2-4701. INTENT.

In adopting this article, it is the intent of the City to aid in securing an end to discrimination in the City of Moline, including but not limited to, ending discrimination by reason of age, color, creed, family status, marital

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status, national origin, physical and mental disability, political affiliation, race, religion, sex, sexual orientation, or any other discrimination based upon categorizing or classifying a person that is not based upon factual data about the persons or group and is not related to the purpose for which it is used.

SEC. 2-4702. NOTIFICATION OF RIGHTS.

- (a) Any individual who believes that he or she has been subjected to illegal discrimination in violation of state law shall be notified of the following by the commission:
 - (1) Any individual who believes that he or she has been aggrieved by a violation of the provisions of the Illinois Human Rights Act, found generally at 775 ILCS 5/5-101 et seq. may file a complaint in accordance with that Act.
 - (2) The name, address and telephone number of the Illinois Department of Human Rights and the Illinois Human Rights Commission shall be provided to said complaining individual, along with the hours of operation of the Illinois Department of Human Rights.
- (b) The commission shall keep a record of all such complaints received for which the information above described is provided.

SEC. 2-4703. NUMBER OF COMMISSION MEMBERS.

The Moline human rights commission shall have a minimum of five (5) members and a maximum of seven (7) members, of which any three can comprise a panel of sub-committees.

SEC. 2-4704. APPOINTMENT AND REMOVAL OF COMMISSION MEMBERS.

The commission members shall be appointed by the mayor with the advice and consent of the City Council for a period of four years, with one-fourth of the members' terms to expire each year; provided, however, that initial appointments shall be for staggered terms of one, two, three and four years. Special appointments shall be made by the mayor and City Council as vacancies may appear. The commission's members may be removed by the mayor at any time, with or without cause, for any reason or no reason, but always with the advice and consent of the City Council.

SEC. 2-4705. COMPOSITION OF THE COMMISSION.

To the extent practicable, the commission shall be composed of a broad representation of the City community, with due consideration for representatives from various religious faiths, racial and nationality groups, and other interested persons.

SEC. 2-4706. ELECTIONS BY THE COMMISSION.

At the annual meeting of the Commission, the Commission members shall elect the following officers: chair, vice-chair, and recording secretary. The recording secretary shall take detailed minutes of each meeting, which minutes shall be forwarded to the mayor and the City Council within one week of approval.

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SEC. 2-4707. MEETINGS AND QUORUMS.

The Commission shall meet on a designated date each month. Such other meetings may be held at the call of the chairman or majority of the members of the said commission. There must be in attendance a minimum of three (3) commission members, which shall constitute a quorum before any business, may be conducted.

SEC. 2-4708. DUTIES OF THE COMMISSION.

The commission shall have the following duties and responsibilities:

- (a) The duty of notification of rights specified in Sec. 2-4702, above;
- (b) The duty to educate the public, through meetings, dissemination of materials, educational seminars and other appropriate means, as to:
 - (1) The existence of diversity in the community and its importance to the community;
 - (2) The illegality of discrimination in all its invidious forms;
 - (3) The rights of persons who have suffered from unlawful discrimination and the remedies available to such persons under existing law;
 - (4) Other appropriate educational matters related to human rights within the City of Moline.

(b) The commission shall also have the duty to work with other units of local government in Rock Island County, to end unlawful discrimination in Rock Island County. Such duty shall include additional educational efforts as well as gauging interest in an inter-governmental agreement to implement a county-wide Human Rights Commission with investigatory and enforcement powers as provided by statute.

(Ord. No. 2002-02-03; new Div. 7, "HUMAN RIGHTS COMMISSION," enacted; 02/12/02)

DIVISION 8. MOLINE CENTRE MAIN STREET COMMISSION

SEC. 2-4800. COMMISSION ESTABLISHED.

There is hereby established a Moline Centre Main Street Commission which shall consist of seven (7) members and a non-voting staff project coordinator. The members shall be appointed by the Mayor, with the advice and consent of the City Council.

SEC. 2-4801. COMMISSION COMPOSITION/TERMS

(a) The Commission, as appointed by the Mayor, shall consist of at least one (1) representative of the City Council, at least one (1) member of the Downtown Special Service Area board of directors, at least four (4) citizen representatives, and one (1) City employee representative. The Main Street Program Coordinator shall be a non-voting Commission member and shall be present at all meetings of the Commission. The number of members may be decreased to not fewer than seven (7) and not more than fifteen (15) members from time to time. The number of members shall always consist of a whole, odd number. No decrease shall have the effect of shortening the term of an incumbent member. Members shall not hold more than two (2) consecutive terms. Members may rejoin the Commission after a one (1) year hiatus.

(Ord. No. 3021-2012; Sec. 2-4801 repealed; new Sec. 2-4801 enacted; 08/14/12)

SEC. 2-4802. ORGANIZATION.

The Commission shall select its own chairman and officers in accordance with procedures which the Commission may, from time to time, adopt.

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SEC. 2-4803. MISSION.

The mission of the Moline Centre Main Street Commission shall be to initiate and support active partnerships and projects between Moline citizens, businesses, and City government by promoting a vibrant and vital downtown through a long-term commitment to the Illinois Main Street program and using the National Main Street Four-Point Approach of economic revitalization to build a sustainable and complete community revitalization effort of the historic downtown district.

SEC. 2-4804. FUNCTIONS, GENERALLY.

The Commission shall:

- (1) Stimulate downtown Moline Centre revitalization by encouraging cooperation and building leadership in the business community.
- (2) Create a positive image for downtown Moline Centre by promoting the downtown as an exciting place to live, dine, shop, and invest.
- (3) Improve and enhance the physical appearance of downtown Moline Centre through the use of the Moline Centre District Design Guidelines by encouraging sensitive rehabilitation of existing properties and encouraging compatible new construction that enhances the unique and historic character of downtown Moline Centre.
- (4) Study the economic changes taking place in downtown Moline Centre and analyze the impact of metropolitan growth upon the downtown district.
- (5) Promote community development through planning and programming, consistent with the City of Moline, Illinois, comprehensive and consolidated plans.
- (6) Improve communication and processes between City and businesses.
- (7) Increase public-awareness and enhance the image of downtown Moline Centre.
- (8) Create a business base that will support and complement one another.
- (9) Increase foot traffic and business sales in downtown Moline Centre.
- (10) Improve the visual and physical appearance of downtown Moline Centre.
- (11) Nurture community pride in and support of downtown Moline Centre.
- (12) Promote downtown Moline Centre through marketing, public relations and communications strategies.
- (13) Establish a coordinated effort among various organizations and agencies to support the revitalization of downtown Moline Centre.
- (14) Promote economic growth and increase property values in downtown Moline Centre and to eliminate the causes of deterioration.
- (15) Expand and diversify the retail mix in downtown Moline Centre.
- (16) Strengthen residential development and renovation.

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- (17) Maintain and increase private sector investment and expansion.
- (18) Encourage business excellence and quality in merchandise, services and building appearance.
- (19) Create a business district that is unique, diverse, friendly, comfortable, active, accessible, creative, and cultural.

(Ord. No. 3029-2010; new Div. 8, "MOLINE CENTRE MAIN STREET COMMISSION," enacted; 06/22/10)

ARTICLE V. PROCEDURES FOR ISSUANCE OF BONDS

SEC. 2-5100. SHORT TITLE.

This article shall be known as and may be referred to as the City of Moline Revenue Bond Enabling Ordinance.

SEC. 2-5101. DEFINITIONS.

Whenever used in this article, the following words and phrases shall have the meanings ascribed to them herein unless a different meaning clearly appears from the context:

- (1) **Bond ordinance** means an ordinance adopted by the City Council of the City authorizing the issuance of specific revenue bonds;
- (2) **City** means the City of Moline, Illinois;
- (3) **Economic development project** means any land, interest in land, building, structure, facility, system, fixture, improvement, addition, appurtenance, machinery, or equipment or any combination or portion thereof, and all real and personal property deemed necessary in connection therewith, for use by any person; provided, that the existence of such economic development project will create or retain employment opportunities in or near the City;
- (4) **Person** means any individual, partnership, copartnership, firm, company, corporation (including public utilities), association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent, or assigns;
- (5) **Pollution** means any form of environmental pollution including, but not limited to, water pollution, air pollution, land pollution, solid waste pollution, thermal pollution, radiation contamination, or noise pollution as determined by the various standards prescribed by this state or the federal government and including, but not limited to, anything which is considered as pollution or environmental damage in the Illinois Environmental Pollution Act 415 ILCS 5/1 through 5/51 and any amendment thereto and substitution therefor;
- (6) **Pollution control facility** means any land, interest in land, building, structure, facility, system, fixture, improvement, appurtenance, addition, machinery, or equipment or any combination or portion thereof, and all real and personal property deemed necessary therewith, having to do with or the end purpose of which is reducing, controlling, preventing, or eliminating pollution;
- (7) **Project** means any economic development project, pollution control facility, or revenue-producing facility or system or any combination or portion thereof located within the City or within ten (10) miles of the corporate limits of the City but not within the corporate limits of any other incorporated municipality;

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- (8) **Project costs** means and includes the aggregate total of all reasonable or necessary costs and expenses incidental to the acquisition, construction, or reconstruction, repair, alteration, improvement or extension of a project including, without limitation, the costs of studies and surveys; plans, specifications, architectural and engineering services; acquisition of real estate, easements, or other interests in land; site development; acquisition, demolition, construction, equipment of new and rehabilitated buildings; rehabilitation, reconstruction, repair, or remodeling of existing buildings; the provisions of funds for the purpose of redeeming, retiring, or otherwise providing for the payment of any outstanding obligations payable from revenues; legal, auditing, financial consulting, or other special services deemed necessary to issue or review the issuance of revenue bonds; equipment and appurtenances; and all other necessary and incidental expenses, including capitalization of funds for reserves deemed necessary for the successful financing and operation of the project;
- (9) **Revenue bonds** means any bonds heretofore or hereafter issued by the City payable from the revenues of a project.
- (10) **Revenue-producing facility or system** means any facility or system owned or controlled by the City, or to be controlled or owned by the City, which generates revenues through charges for the use or services thereof, including any land, interest in land, building, structure, facility, fixture, improvement, appurtenance, addition, machinery, equipment or any combination or portion thereof, and including all real and personal property deemed necessary in connection therewith; and
- (11) **User** means the person or persons who will occupy, operate, maintain, or employ the project after acquisition or construction thereof, whether as owner, purchaser, lessee, or otherwise.

SEC. 2-5102. DECLARATION OF PURPOSE.

It is hereby determined and declared that this article is enacted for the purpose of prescribing procedures for the issuance of revenue bonds by the City and this article is enacted pursuant to the powers conferred upon the City by the provisions of the 1970 Constitution of Illinois and the issuance of such bonds is hereby declared and determined to be a public purpose and function pertaining to the government and affairs of the City.

SEC. 2-5103. ADDITIONAL POWERS.

In addition to powers, which it may now have, the City shall have the following powers under this article:

- (1) To construct, acquire, reconstruct, improve, better or extend, and to finance and refinance one or more projects.
- (2) To issue its revenue bonds to defray in whole or in part the project costs of any project, and to designate an appropriate name for such bonds.
- (3) To pledge to the punctual payment of such revenue bonds, the interest thereon, and the redemption premium, if any, the revenue and receipts to be received from the project.
- (4) To issue its revenue bonds to refund in whole or in part revenue bonds heretofore or hereafter issued by the City.
- (5) To make, enact and enforce all necessary rules and regulations for the acquisition, construction, extension, improvement, management, operation and maintenance of the facility or system.
- (6) To charge the inhabitants or users a reasonable compensation for the use and service of the project, sufficient at all times to comply with the covenants of the bond ordinance.

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- (7) To enter into leases or other agreements with any user in order to secure the City's revenue bonds, provided, however, that any such lease or other agreement must provide that such user shall pay to, for or on behalf of the City an amount sufficient to pay principal, interest, redemption premiums and all other costs in connection with the City's revenue bonds so that such bonds will never constitute an indebtedness of the City or a loan of its credit within the meaning of any constitutional or statutory provision.
- (8) To mortgage any project in favor of the holder or holders of bonds issued therefor.
- (9) To sell and convey any project, including without limitation the sale and conveyance thereof subject to a mortgage, if any, as provided in this article, for such price and at such time as the Council of the City may determine. However, no sale or conveyance of any project shall ever be made in such manner as to impair the rights or interests of the holder or holders of any bonds issued hereunder.

SEC. 2-5104. BOND ORDINANCE - ADOPTION PROCEDURES.

In order to exercise the powers granted by this article and to authorize the issuance of revenue bonds, the City Council shall adopt a bond ordinance in a validly called public meeting in accordance with the ordinances of the City of Moline for the conduct of meetings and adoption of ordinances. Said bond ordinance shall be effective upon passage and approval.

SEC. 2-5105. SAME - CONTENTS.

(a) **Findings by City Council.** The City Council shall make a finding and determination in the bond ordinance that the borrowing of money is necessary for the welfare of the government and affairs of the City, is for a proper public purpose, or purposes, and is in the public interest, which finding and determination shall be conclusive.

(b) **Description of project.** The bond ordinance shall contain a description of the project to be financed in whole or in part by the issuance of bonds. If all or a part of the project consists of the refunding of outstanding bonds of the City, the bonds to be refunded shall be described in the ordinance. The ordinance may provide that a single issue or series of bonds be issued, both for construction and refunding purposes, and any bonds issued for refunding purposes may either be surrendered and exchanged for the bonds being refunded, par for par, or may be sold in accordance with the terms of the bond ordinance and the proceeds applied to the payment and redemption of the bonds being refunded in such manner as the City Council may determine and the City may enter into any agreements required to prepare and carry out any refunding plan.

The ordinance shall contain a general description of the construction or acquisition part of the project and an estimate of the total project cost. It shall not be necessary that the ordinance refer to detailed plans and specifications for the construction or acquisition. The ordinance shall state the means providing for defraying the total project costs and shall determine the period of usefulness of the project to be constructed or acquired.

(c) **Form of bonds and coupons.** The bond ordinance shall prescribe the bond form and coupon form (if any), and it shall be plainly stated in the face of each bond whether or not the bond does in any way constitute an indebtedness of the City within the meaning of any constitutional or statutory limitation, and indicate the revenues and other funds from which principal and interest will be paid. The bonds shall be executed by the officers of the City designated in the bond ordinance, and such bonds shall be the valid and binding obligation of the City notwithstanding that, before the delivery thereof, all of the persons whose signatures appear thereon have ceased to be officers of the City. The bonds and coupons may be executed either by the manual or printed facsimile signatures of the designated officers, all as provided in the bond ordinance, and all in accordance with the provisions of the Uniform Facsimile Signature of Public Officials Act.

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(d) **Sale of bonds, maturity of bonds and redemption.** A contract for the sale of the bonds may be entered into before the adoption of the bond ordinance, or the bond ordinance may provide for the subsequent sale of the bonds. If such contract has been entered into prior to the adoption of the bond ordinance, the bonds shall bear interest at such rate or rates set forth in the bond ordinance. If such contract is entered into after the adoption of the bond ordinance, the bonds shall bear interest at such rate or rates as shall be designated by a resolution of the City Council adopted prior to the delivery of the bonds. The bond ordinance shall fix all of the other terms and conditions in connection with the bonds determined advisable by the City Council, and such bonds shall be payable at such times, be in one or more series, bear such date or dates, mature at such time or times not exceeding forty (40) years from their respective dates, be payable in such medium of payment at such place or places, carry such registration privileges, be subject to such terms of redemption at such premiums, be executed in such manner, contain such terms, covenants and conditions, and be in such form, either coupon or registered, as such ordinance may provide or as may be subsequently determined by the City Council before the bonds are issued. The bonds may be sold at public or private sale in such manner and upon such terms as may be deemed advisable by the City Council of the City. The bonds shall be deemed to be securities and negotiable instruments within the meaning and for all purposes of the Uniform Commercial Code.

(e) **Covenants in bonds.** Any bond ordinance may contain covenants as to:

- (1) The use and disposition of the revenues and receipts from the lease and other agreements or the project for which the bonds are to be issued, including the creation and maintenance of reserves;
- (2) The issuance of other or additional bonds relating to any project or any rehabilitation, improvements, renovations, enlargements or additions thereto;
- (3) The maintenance and repair of any project;
- (4) The insurance to be carried thereon and the use and disposition of insurance moneys;
- (5) The appointment of any bank or trust company within or outside the State of Illinois, having the necessary trust powers as trustee for the benefit of the bondholders, paying agent and bond registrar;
- (6) The investment of any funds held by such trustee; and
- (7) The terms and conditions upon which the holders of the bonds or any portion thereof or any trustees therefor, are entitled to the appointment of a receiver.

The bond ordinance may provide that the principal of and interest on the bonds shall be secured by a mortgage or indenture of trust covering the project for which the bonds are issued and may include any improvements or extensions thereafter made. Such mortgage or indenture of trust may contain such covenants and agreements to properly safeguard the bonds as may be provided for in the bond ordinance and shall be executed in the manner §2-5105 provided for in the bond ordinance. The provisions of this article and the bond ordinance and any such mortgage or indenture of trust shall constitute a contract with the holder or holders of the bonds and continue in effect until the principal of, the interest on, and the redemption premiums, if any, on the bonds so issued have been fully paid, or until provision for payment shall have been made as provided in the bond ordinance, and the duties of the City and its corporate authorities and officers under this article and any bond ordinance and any such mortgage or indenture of trust shall be enforceable by mandamus, foreclosure of any such mortgage or indenture of trust or other appropriate suit, action or proceedings in any court of competent jurisdiction, in the manner and subject to the terms of such bond ordinance, mortgage or indenture of trust.

(f) **Use of bond proceeds.** The proceeds of the sale of revenue bonds issued pursuant to this article shall be used solely and only for the purpose or purposes for which the bonds were authorized in the bond ordinance.

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SEC. 2-5106. RIGHTS UNDER PREEXISTING BOND ORDINANCES.

Nothing contained herein shall be construed to alter, change or impair the rights of the holders of any of the revenue bonds of the City issued prior to the effective date of this article, and the rights of such holders shall remain in full force and effect, all as provided in the ordinance heretofore adopted by the City Council and authorizing the issuance of the revenue bonds presently outstanding.

SEC. 2-5107. TITLE TO THE PROJECT.

It shall not be necessary for the City to own or acquire any project or part thereof financed hereunder.

SEC. 2-5108. LIEN OF BONDS.

All bonds issued under this article have a lien upon the revenues and receipts derived from the lease or other agreement between the City and the user or from the project; and the Council may provide in the bond ordinance for the issuance of additional bonds to be equally and ratably secured by a lien upon such revenues and receipts or may provide that the lien upon such revenues and receipts is subordinate.

SEC. 2-5109. LIABILITY OF BONDS.

All bonds issued under and pursuant to this article shall be limited obligations of the City payable solely out of the revenues and receipts derived from such lease or other agreement or from the project. No holder of any bond issued under this article has the right to compel any exercise of the taxing power of the City to pay the bonds, the interest or premium, if any, thereon, and the bonds shall not constitute an indebtedness of the City or a loan of credit thereof within the meaning of any constitutional or statutory provisions.

SEC. 2-5110. EXEMPTION FROM CONSTRUCTION AND BIDDING REQUIREMENTS FOR PUBLIC BUILDINGS.

(a) The acquisition and construction of an economic development project or a pollution control facility shall not be subject to any requirements relating to public buildings, structures, grounds, works or improvements imposed by the Illinois Compiled Statutes or any similar requirements which may be lawfully waived by this section and any requirement of competitive bidding or restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property of the City is not applicable to any action taken under authority of this article.

(b) All applicants under this article shall agree to pay the prevailing rate of hourly wages and to require each facility to do likewise and to monitor their contractors and subcontractors to assure that prevailing wages are paid as a condition to passage of a bond ordinance. This provision shall be administered as follows:

- (1) For purposes hereof the term "prevailing rate of hourly wages" shall mean the arithmetic mean of the determination of the United States Department of Labor pursuant to the Davis-Bacon Act, 40 USC Sections 276a et seq., as published in the Federal Register at the time of execution of the contract for the various trades and laborer classifications found therein for Scott County, Iowa, and Rock Island County, Illinois;
- (2) All rules of construction and for determining compliance adopted by the United States Department of Labor pursuant to the Davis-Bacon Act shall be applicable to this provision;
- (3) An applicant or user shall file with the City or its agent, the bond trustee, a certification under oath that all contractors and subcontractors are required contractually to pay the prevailing rate of hourly wages. An independent person such as an accountant or architect shall be required to certify to the

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City or its agent, the bond trustee, that all tradesmen and laborers have been paid the prevailing rate of hourly wages when a requisition for disbursement of bond proceeds is made; the City or its agent, the bond trustee or lender, shall not honor any requisition for disbursement of bond proceeds unless the proper certifications hereunder have been filed;

- (4) Tradesmen, laborers, and unions representing same are intended to have the right to file in a court of law in their own name or names a cause of action to collect the difference between wages that should have been paid and wages that were actually paid;
- (5) Violations of this provision, in addition to any other remedy, shall result in liquidated damages paid to the City in the amount of money equaling the difference in interest costs between what an applicant or user would have paid for financing at one hundred twenty-five (125) per cent of the prime rate in effect at the largest bank in Illinois on the date of issuance or, if a floating interest rate is provided for, on the interest determination dates provided for and what the applicant or user actually has paid for financing at the interest rate provided for in the bond ordinance;
- (6) The department of planning and development shall be responsible for administration of this provision.

(c) This provision shall not be applicable to any economic development project or pollution control facility, which has been approved for issuance prior to the effective date hereof. "Approved for issuance" shall mean an executed memorandum of intent or a resolution closing any required public hearing and authorizing proceeding with the issuance of bonds or passage and approval of the bond ordinance, whichever comes first.

SEC. 2-5111. POWERS CONFERRED AS ADDITIONAL AND SUPPLEMENTAL; LIMITATIONS IMPOSED; EFFECT.

Subject only to the limitations set forth in Section 2-5106 of this article, the procedures herein set forth for the issuance of revenue bonds shall be controlling and shall be complied with by the City in the borrowing of money by the issuance of revenue bonds, notwithstanding any provisions to the contrary contained in the "Illinois Municipal Code," and all acts amendatory thereof and supplementary thereto, and in any other law or laws of the State of Illinois or any ordinance heretofore adopted by the City. The powers conferred by this article are in addition to and supplementary to any powers conferred by any such laws or ordinances, and revenue bonds may be issued pursuant to this article for the purpose of financing projects and paying project costs without regard to the requirements, restrictions or other provisions contained in any law or any other ordinance.

SEC. 2-5112. USE OF TAXES IN SUPPORT OF A REVENUE-PRODUCING SYSTEM.

Nothing contained herein shall prevent the City from using the proceeds of taxes collected by the City or any other funds in the hands of the City for the purpose of operating, maintaining or supporting a revenue-producing facility or system, or for financing such a project.

SEC. 2-5113. USER TO PAY EXPENSES.

The user of such a project or facility shall pay for all of the City's out-of-pocket expenses for special studies, financial and legal consultants, and other necessary expenses incurred in reviewing the propriety of issuance of revenue bonds and in issuing said revenue bonds; however, any deposit and eighty percent (80%) of the financing fee shall be applied to these project costs.

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SEC. 2-5114. DEPOSIT.

Any person requesting the City to finance any economic development project or pollution control facility by issuance of its revenue bonds shall make, upon submission of a written request to consider the economic feasibility of said project or facility, a non-refundable deposit with the City in the amount of three thousand dollars (\$3,000.00) to reimburse the City for its preliminary expenses in investigating the desirability and feasibility of such financing. Upon adoption of a comfort resolution indicating the City's preliminary agreement to issue a specific amount of bonds, a further deposit equal to one-half of the financing fee shall be paid to the City. Said deposits will be disbursed by the City in payment of such expenses notwithstanding that financing is not completed; however, said deposits may be repaid as a project cost from the proceeds of any bonds issued to finance the project. While the three thousand dollar (\$3,000.00) deposit is over and above the financing fee, it shall be applied to expenses in the following priority:

- (1) City's out-of-pocket expenses;
- (2) Applicant or user's out-of-pocket expenses; and
- (3) Remainder, if any, to the City.

SEC. 2-5115. FINANCING FEE.

The City shall charge a financing fee each time that revenue bonds are issued by it for an economic development project or a pollution control facility. Said fee shall be computed at the rate of two dollars (\$2.00) per thousand dollars of bonds for the first two million five hundred thousand dollars (\$2,500,000.00), of bonds issued with a minimum fee of five thousand dollars (\$5,000.00); for bond issues exceeding two million five hundred thousand dollars (\$2,500,000.00) City shall charge an additional fee to be computed at the rate of one dollar (\$1.00) per thousand dollars of bonds issued in excess of two million five hundred thousand dollars (\$2,500,000.00). Financing fees shall be calculated on the principal amount of bonds issued at the time of the issuance of bonds by City. Financing fees shall be deemed reimbursement to City for its administrative costs in reviewing, evaluating and administering any bond issue and shall be a project cost in addition to those costs defined in Section 2-5101(8), project costs, of this article. The financing fee shall be applied to expenses in the following priority:

- (1) Twenty percent (20%) of the financing fee shall be claimed by the City; and
- (2) The remaining eighty percent (80%) of the financing fee shall be claimed in the following priority:
 - a. The City's out-of-pocket expenses.
 - b. The applicant or user's out-of-pocket expenses; and
 - c. Remainder, if any, to the City.

ARTICLE VI. JUDICIARY

**DIVISION 1. ADMINISTRATIVE ADJUDICATION
OF CITY ORDINANCE VIOLATIONS**

SEC. 2-6100. PURPOSE.

The stated purpose of this article is to provide for fair and efficient enforcement of City ordinances as may be allowed by law and directed by ordinance, through an administrative adjudication of violations of such City ordinances and establishing a schedule of fines and minimum penalties and authority and procedures for collection of unpaid fines and penalties.

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SEC. 2-6101. CREATION.

There is hereby established a judicial department of the municipal government to be known as the Rock Island County Code Enforcement System (hereinafter "RICCES") and to have the power to enforce compliance with all municipal ordinances as from time to time authorized by the City Council, except for any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code. The establishment of the RICCES does not preclude the corporate authorities or city attorney from using any other method to enforce ordinances of the City.

SEC. 2-6102. ADMINISTRATIVE COMPOSITION.

The RICCES shall be composed of a hearing officer and a code enforcement coordinator, with the power and authority as hereinafter set forth.

(a) The hearing officer shall preside over all adjudicatory hearings and shall have the following powers and duties:

- (1) Hearing testimony and accepting evidence that is relevant to the existence of the City Code violation;
- (2) Issuing subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon the request of the parties or their representatives;
- (3) Preserving and authenticating the record of the hearing and all exhibits and evidence introduced at the hearing;
- (4) Issuing and signing a written finding of fact, decision and order stating whether a City Code violation exists and including the fine, penalty or action with which the defendant must comply;
- (5) Imposing penalties, sanctions or such other relief consistent with applicable City Code provisions and assessing costs upon finding a party liable for the charged violation, except however in no event shall the hearing officer have authority to impose a penalty of incarceration.

(b) Prior to conducting administrative adjudication proceedings under this article, the hearing officer shall have successfully completed a formal training program which includes the following:

- (1) Instruction on the rules of procedure of the administrative hearings over which the hearing officer shall preside;
- (2) Orientation to each subject area of the Code violations that said officer will adjudicate;
- (3) Observation of administrative hearings;
- (4) Participation in hypothetical cases, including ruling on evidence and issuing final orders.

In addition, a hearing officer must be an attorney licensed to practice law in the State of Illinois for at least three (3) years.

(c) The code enforcement coordinator is authorized and directed to:

- (1) Operate and manage the system of administrative adjudication of City ordinance violations as may be permitted by law and directed by ordinance;

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- (2) Adopt, distribute and process all notices as may be required under this article or as may be reasonably required to carry out the purpose of this article;
- (3) Collect monies paid as fines and/or penalties assessed after a final determination of liability;
- (4) Certify copies of final determinations of an ordinance violation adjudicated pursuant to this chapter and any factual reports verifying the final determination of any violation liability which was issued in accordance with this chapter or the laws of the State of Illinois including without limitation 625 Illinois Compiled Statutes ("ILCS"), 5/11-208.3 as from time to time amended;
- (5) Certify reports to the Secretary of State concerning initiation of suspension of driving privileges in accordance with the provisions of this chapter as hereinafter set forth and those of 625 ILCS 5/6-306.5;
- (6) Promulgate rules and regulations reasonably required to operate and maintain the administrative adjudication system hereby created;
- (7) Collect unpaid fines and penalties through private collection agencies and pursuit of all post-judgment remedies available by current law.
- (8) Maintain the computer programs for the RICCES, on a day-to-day basis, including but not limited to:
 - a. Input of violation notice information;
 - b. Establishing court dates and notice dates;
 - c. Record fine and penalty assessment and payments;
 - d. Issue payment receipts;
 - e. Issue succeeding notice of hearing dates and/or final determination of liability; issue notice of immobilization; issue notice of impending impoundment; issue notice of impending driver's license suspension in accordance with the provisions hereinafter set forth;
 - f. Keep accurate records of appearances and non-appearances at administrative hearings; pleas entered; judgments entered; sanctions imposed, if any; fines and penalties assessed and paid.

Appointment of the positions above set forth shall be determined by intergovernmental agreement and as directed by the City Council. The code enforcement coordinator shall be subject to contracting by intergovernmental agreement. In no event shall the positions set forth above be deemed to be employees of the City.

SEC. 2-6103. PROCEDURE.

The system of administrative adjudication of any City ordinance violation authorized to be adjudicated hereunder shall be in accordance with the following procedures:

(a) Violation notice of any ordinance violation including violations of the City Traffic Code shall be issued by the persons authorized under this Code and shall contain information and shall be certified and constitute prima facie evidence of the violation cited as hereinafter set forth;

(b) All full-time, part-time and auxiliary police officers, as well as other specifically authorized individuals of any City department, shall have the authority to issue violation notices;

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(c) Any individual authorized hereby to issue violation notices and who detects an ordinance violation authorized to be adjudicated under this chapter or a violation of any section of any City ordinance is authorized to issue notice of violation thereof and shall make service thereof as is hereinafter set forth;

(d) The violation notice shall contain, but shall not be limited to, the following information:

- (1) The name of the party violating the ordinance if known;
- (2) The date, time and place of the violation (date of issuance);
- (3) The particular ordinance violated;
- (4) Vehicle make and state registration number (if applicable);
- (5) The fine and any penalty which may be assessed for late payment;
- (6) The signature and identification number of the person issuing the notice;
- (7) The date and location of the adjudicating hearing of ordinance violations other than violations of the City Traffic Code, the legal authority and jurisdiction under which the hearing is to be held and the penalties for failure to appear at the hearing.

SEC. 2-6104. SERVICE.

(a) Service of any violation notice shall be made by the person issuing such notice:

(1) In the case of violation of the City Traffic Code by:

- a. Affixing the original or a facsimile of the notice to an unlawfully standing or parked vehicle, unstickered vehicle or vehicle violating any compliance regulation;
- b. Handing the notice to the registered owner, operator or lessee of the vehicle, if present; or
- c. Handing the notice to the responsible person or leaving the notice with any person twelve (12) years of age or older at the residence of the responsible person.

(2) In the case of any ordinance violation other than a violation of the City Traffic Code by:

- a. Handing the notice to the person responsible for the ordinance violation;
- b. Handing the notice to the responsible person or leaving the notice with any person twelve (12) years of age or older at the residence of the responsible person;
- c. Mailing the notice by certified mail, return receipt requested to the person responsible for the ordinance violation; or
- d. Posting the notice upon the property where the violation is found when the person is the owner or manager of the property.

(b) The correctness of facts contained in any violation notice shall be verified by the person issuing said notice by:

- (1) Signing his/her name to the notice at the time of issuance; or

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- (2) In the case of a notice produced by a computer device, by signing a single certificate to be kept by the code enforcement coordinator attesting to the correctness of all notices produced by the device while under his/her control.
- (c) The original or facsimile of the violation notice shall be retained by the code enforcement coordinator and kept as a record in the ordinary course of business.
- (d) Any violation notice issued, signed and served in accordance herewith or a copy of the notice shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice.

SEC. 2-6105. ADMINISTRATIVE HEARINGS.

An administrative hearing to adjudicate any alleged ordinance violation on its merits; or to contest the validity of a notice of impending immobilization or impending impoundment; or the validity of a notice of impending driver's license suspension shall be granted to the registered owner or operator of the "cited vehicle," pursuant to 625 ILCS 5/11-208.3 of the lessee of the "cited vehicle," 625 ILCS 5/11-1306, incorporated herein by reference, at the date, time and place set forth by the code enforcement coordinator and by notice given and served upon the alleged violator, or the cited vehicle's registered owner, operator or lessee for hearings contesting the validity of notices of impending immobilization or impending impoundment or driver's license suspension. All administrative hearings shall be recorded and shall culminate in a determination of liability or non-liability, made by the hearing officer, who shall consider facts and/or testimony without the application of the formal or technical rules of evidence. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The hearing officer shall, upon a determination of liability, assess fines and penalties in accordance with Sec. 2-6110 hereof. Persons appearing to contest the alleged violation on its merits may be represented by counsel at their own expense. The burden of proof shall be on the alleged offender to refute the prima facie case set forth in the verified notice of violation.

SEC. 2-6106. NOTICES.

(a) Upon failure of the person receiving a notice of a violation of a City ordinance, other than a City Traffic Code violation, to appear at the time and date designated for a hearing or, in the case of a violation of the City Traffic Code, the registered owner, operator or lessee of the "cited vehicle" to pay the fine, in full as stated on said notice, the code enforcement coordinator shall send or cause to be sent notices by first class mail, postage prepaid to the person who received the notice of an ordinance violation; or in the case of the violation of the City Traffic Code, the registered owner or operator of the "cited vehicle" at the address as is recorded with the Secretary of State and shall be sent to the lessee of the "cited vehicle" at the address last known to the lessor of the "cited vehicle" at the time of the lease. Service of notices sent in accordance herewith shall be complete as of the date of deposit in the United States mail.

(b) The notices sent in accordance herewith shall be in the following sequence and contain, but not be limited to, the following information:

- (1) Upon the failure of the person receiving notice of an ordinance violation or, in the case of a notice of a violation of the City Traffic Code, the registered owner, operator or lessee of the "cited vehicle" to pay the fine in full as stated on said notice, a notice shall be sent, as above set forth, and shall contain, but not be limited to the following information:
 - a. Date and location of violation cited in the violation notice;
 - b. Particular ordinance violated;
 - c. Vehicle make and state registration number (if applicable);

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- d. Fine and any penalty that may be assessed for late payment;
 - e. A section entitled "Notice of Hearing" which shall clearly set forth that the person receiving a notice of ordinance violation, in the case of a violation of the City Traffic Code, or the registered owner, operator or lessee may appear at an administrative hearing to contest the validity of the violation notice on the date and at the time and place as specified in the Notice of Hearing;
 - f. Date, time and place of the administrative hearing at which the alleged violation may be contested on its merits;
 - g. Statement that failure to either pay the fine and any applicable penalty or failure to appear at the hearing on its merits on the date and at the time and place specified will result in a final determination of liability for the cited violation in the amount of the fine and penalty indicated;
 - h. Statement that upon the occurrence of a final determination of liability for the failure, and the exhaustion of, or the failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the City.
- (c) A notice of final determination of liability shall be sent following the conclusion of administrative hearing, as is hereinafter set forth, and shall contain, but not be limited to, the following information and warnings:
- (1) A statement that the unpaid fine and any penalty assessed is a debt due and owing the City;
 - (2) A statement of any sanction ordered or costs imposed which costs are debts due and owing the City;
 - (3) A warning that failure to pay the fine and any penalty due and owing the City within the time specified may result in proceeding with collection procedures in the same manner as a judgment entered by any court of competent jurisdiction;
 - (4) A warning that the person's driver's license may be suspended for failure to pay fines or penalties for ten (10) or more vehicular standing or parking violations under 625 ILCS 5/6-306.5, incorporated herein by reference;
 - (5) A warning that the vehicle owned by the person and located within the City may be immobilized and impounded for failure to pay fines or penalties for ten (10) or more vehicular standing or parking regulation violations;
 - (6) Any other warning of possible impoundment as permitted by law or ordinance.
- (d) A notice of impending suspension of a person's driver's license shall be sent to any person determined to be liable for the payment of any fine or penalty that remains due and owing on ten (10) or more vehicular standing or parking regulation violations:
- (1) The notice shall state that the failure to pay the fine or penalty owing within forty-five (45) days of the date of the notice will result in the City's notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under 625 ILCS 5/6-306.5, incorporated herein by this reference thereto;
 - (2) The notice of impending driver's license suspension shall be sent by first class mail, postage prepaid, to the address recorded with the Secretary of State.

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SEC. 2-6107. FINAL DETERMINATION OF LIABILITY.

A final determination of liability shall occur following the failure to pay the fine or penalty or after the hearing officer's determination of liability and the exhaustion of, or the failure to exhaust, any administrative review procedures hereinafter set forth. Where a person fails to appear at the administrative hearing to contest the alleged violation on the date and at the time and place specified in a previously served or mailed notice pursuant to SEC. 2-6106 hereof, the hearing officer's determination of liability shall become final either upon a denial of a timely petition to set aside that determination or upon the expiration of the period for filing a petition without a filing having been made.

SEC. 2-6108. JUDICIAL REVIEW.

Any final decision by a hearing officer that a Code violation does or does not exist shall constitute a final determination for purposes of judicial review under the Illinois Administrative Review Law, and appeal from such decision shall be in strict conformance with said Law.

SEC. 2-6109. ENFORCEMENT OF JUDGMENT.

(a) Any fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures under the Illinois Administrative Review Law are a debt due and owing the municipality and may be collected in accordance with applicable law.

(b) After expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of a Code violation, unless stayed by a court of competent jurisdiction, the findings, decision and order of the hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(c) In any case in which a hearing officer finds that a defendant has failed to comply with a judgment ordering a defendant to correct a Code violation or imposing any fine or other sanction as a result of a Code violation, any expenses incurred by a municipality to enforce the judgment including, but not limited to, attorney's fees, court costs and costs related to property demolition or foreclosure after they are fixed by the hearing officer, shall be a debt due and owing the municipality and may be collected in accordance with applicable law. Prior to any expenses being fixed by a hearing officer pursuant to this subsection (c), the code enforcement coordinator shall provide notice to the defendant that states that the defendant shall appear at a hearing before the administrative hearing officer to determine whether the defendant has failed to comply with the judgment. The notice shall set the date for such a hearing which shall not be less than seven (7) days from the date the notice is served. If notice is served by mail, the seven-day period shall begin to run on the date that the notice was deposited in the mail.

(d) A lien shall be imposed on the real estate or personal estate, or both, of the defendant in the amount of any debt due and owing the municipality under this section. The lien may be recorded and enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction. No lien may be enforced under this section until it has been recorded in the manner provided by article XII of the Code of Civil Procedure or by the Uniform Commercial Code.

(e) A hearing officer may set aside any judgment entered by default and set a new hearing date upon a petition filed within twenty-one (21) days after the issuance of the order of default if the hearing officer determines that the petitioner's failure to appear at the hearing was for good cause or at any time if the petitioner establishes that the municipality did not provide proper service of process. If any judgment is set aside pursuant to this subsection (e), the hearing officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing the municipality as a result of the vacated default judgment.

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SEC. 2-6110. JURISDICTION; SCHEDULE OF PENALTIES.

The ordinances which may be adjudicated through the RICCES pursuant to the provisions of this article and the minimum penalties in addition to court costs to be imposed by the hearing officer for violations thereof are shown in Table 2-6110.1, as follows:

Table 2-6110.1

Ordinance Section No.	Offense	Minimum Fine
Chapter 3	Advertising and Signs	
Article I.	In General	
Division 1.	Handbills	
3-1102	Posting Notice, Placard, Bill, etc. Prohibited in Certain Cases	No Minimum Fine
3-1103	Throwing Handbills, Broadcast in Public Places Prohibited	No Minimum Fine
3-1104	Placing in Vehicles Commercial and Non-Commercial Handbills	No Minimum Fine
3-1105	Distribution on Uninhabited or Vacant Premises, Private Premises, of Commercial or Non-Commercial Handbills	No Minimum Fine
3-1106	Prohibiting Distribution Where Properly Posted	No Minimum Fine
3-1107	Distribution on Inhabited Private Premises - Commercial or Non-Commercial Handbills	No Minimum Fine
3-1108	Time of House to House Distribution and/or Solicitation	No Minimum Fine
Division 2.	Sound Trucks	
3-1201	Use of Sound Trucks	No Minimum Fine
Chapter 4	Alcoholic Beverages	
Article I.	In General	
4-1101	Misbranding	\$150.00 for first offense; \$250.00 for each offense thereafter
4-1102	Possession of Alcoholic Liquor on Public Right-of-Way; in Motor Vehicle	\$50.00
Article III.	Retail Licensed	
Division I.	In General	
4-3100	When Required	\$330.00
4-3104	Licenses to be Used Only for Premises for Which Issued	\$150.00 for first offense; \$250.00 for each offense thereafter
4-3205	Premises Ineligible for License	\$150.00 for first offense; \$250.00 for each offense thereafter
Division 3.	Privileges Conferred by Various Classes of Licenses	
4-3301	Compliance Required	\$150.00 for first offense; \$250.00 for each offense thereafter
Article IV.	Operation	
4-4100	Posting	\$100.00 for first offense; \$150.00 for each offense thereafter
4-4101	Persons Not to Remain on Premises After Closing Hour	\$100.00 for first offense; \$150.00 for each offense thereafter

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4-4102	Licensed Premises Shall be Public Accommodation	\$100.00 for first offense; \$150.00 for each offense thereafter
4-4103	Credit Sales	\$100.00 for first offense; \$150.00 for each offense thereafter
4-4104	Restraint of Trade	\$100.00 for first offense; \$150.00 for each offense thereafter
4-4105	Pandering by Licensee	\$100.00 for first offense; \$150.00 for each offense thereafter
4-4106	Self Service	\$100.00 for first offense; \$150.00 for each offense thereafter
4-4107	Drive-In or Walk-In Service Windows	\$150.00 for first offense; \$250.00 for each offense thereafter
4-4108	Operation within Enclosed Buildings	\$150.00 for first offense; \$250.00 for each offense thereafter
Article V.	Minors	
4-5102	Preparation of Alcoholic Beverages	\$100.00 for first offense; \$200.00 for second offense; \$400.00 for each offense thereafter
4-5103	Possession	\$100.00 for first offense; \$200.00 for second offense; \$400.00 for each offense thereafter
4-5104	Purchase	\$100.00 for first offense; \$200.00 for second offense; \$400.00 for each offense thereafter
4-5105	Consumption	\$100.00
4-5106	Giving Alcoholic Beverages to Minors	\$250.00
4-5107	Authority and Duty of Licensee Under this Chapter to Require Proof of Age	\$250.00
4-5108	Fraudulent Identification Cards	\$50.00
4-5110	Minor on Premises	\$50.00
4-5111	Licensee Permitting a Minor on Premises	\$250.00
4-5112	Parental Responsibility	\$250.00
4-5113	Responsibility of Owner or Occupant of Premises	\$250.00
Chapter 7	Animals and Fowl	
Article I.	In General	
7-1101	Cruelty to Animals	\$25.00
7-1102	Animals for Use in Entertainment	\$25.00
7-1103	Shooting or Molesting Birds	\$25.00
7-1104	Livestock and Domestic Fowl Prohibited in City; Running-at-Large; Nuisance	\$25.00
7-1105	Beekeeping within the City Prohibited	\$25.00
7-1106	Dangerous Animals, in General	\$75.00
7-1107	Impoundment and Disposition of Dangerous Animals	\$75.00
	(Ord. No. 2002-08-11; new penalty provisions for Sec. 7-1106 and 7-1107 enacted; 09/10/02)	
7-1108	Number of Rabbits Restricted	\$25.00
7-1109	Wild Animals	\$25.00
7-1110	Non-Resident Not To Have Animals in the City; Exceptions	\$25.00
7-1111	Reporting Animal Bites and Attacks	\$25.00
7-1112	Control of Animal Wastes	\$25.00
7-1113	Liberation of Confined Animals Prohibited	\$25.00

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7-1114	Dead Animals	\$25.00
7-1115	Animal Trapping	\$25.00
7-1116	Animal Cages, Runs, Pens, etc.	\$25.00
7-1117	Stray Animals	\$25.00
Article II.	Dogs and Cats	
Division 1.	In General	
7-2100	Dogs and Cats Running at Large; Impoundment	\$25.00
7-2101	Removal of Collars, Tags and Leashes from Dogs or Cats Prohibited; Exceptions	\$25.00
7-2102	Excessive Barking, Howling or Yelping	\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter
7-2104	Dangerous and Vicious Dogs – Hearing and Determination	\$25.00
7-2105	Keeping of Dangerous Dogs	\$75.00
7-2106	Keeping of Vicious Dogs Prohibited	\$75.00
	(Ord. No. 2002-08-11; new penalty provisions for Sec. 7-2105 and 7-2106 enacted; 09/10/02)	
7-2107	Female Dogs or Cats in Heat	\$25.00
7-2108	Limitation Upon Dogs or Cats Per Residence	\$25.00
7-2109	Neutering of Dogs or Cats	\$25.00
7-2111	Use or Possession of Dogs in Conjunction with Criminal Activity	\$500.00
7-2112	Police Dogs	
7-2112(a)		\$300.00
7-2112(b)		\$500.00
7-2113	Guide and Support Dogs	
7-2113(a)		\$300.00
7-2113(b)		\$500.00
7-2113(c)		\$500.00
7-2114	Guard and Sentry Dogs	\$25.00
Division 2.	Licensing	
7-2200	Licensing Required	\$25.00 for first offense; \$50.00 for each offense thereafter
Division 3.	Rabies Control	
7-2302	Dogs or Cats without Collar and Inoculation Tag Subject to Impoundment and Disposal	\$25.00
7-2303	Certain Dogs or Cats Subject to Confinement or Impoundment; Not To Be Removed from City	\$25.00
Article IV.	Kennels and Pet Shops	
7-4100	License Required	\$100.00
Article V.	Enforcement	
7-5201	Hindering Community Service Officer Duties	\$25.00
Chapter 8	Buildings and Other Construction and Building Services	
Article I.	Division of Inspections	
Division 8.	Licensing	
8-1800	General Contractor License	No Minimum Fine
8-1801	Electrical Contractor License	No Minimum Fine
8-1802	Mechanical Contractor License	No Minimum Fine
8-1803	Plumbing License	No Minimum Fine
8-1804	Roofing Contractor License	No Minimum Fine

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8-1805	Sewer Service and Maintenance Business License	No Minimum Fine
8-1806	License and Registration Not Transferable	No Minimum Fine
8-1807	Change of Status	No Minimum Fine
Article II.	Administration	
8-2100	Uniform Administrative Code Adopted	No Minimum Fine
8-2101	Amendments to Moline Building and Building Services Administrative Code	No Minimum Fine
Article III.	Building Code	
8-3100	Uniform Building Code Adopted	No Minimum Fine
8-3101	Amendments to the Building Code	No Minimum Fine
Article IV.	Mechanical Code	
8-4100	Uniform Mechanical Code Adopted	No Minimum Fine
8-4101	Amendments to Uniform Mechanical Code	No Minimum Fine
Article V.	Housing Code	
8-5100	Uniform Housing Code Adopted	No Minimum Fine
8-5101	Amendments to Moline Housing Code	No Minimum Fine
Article VI.	Dangerous Building Abatement	
8-6100	Dangerous Building Code Adopted	No Minimum Fine
8-6101	Amendments to Dangerous Building Abatement Code	No Minimum Fine
Article VII.	Plumbing Code	
8-7100	Illinois State Plumbing Code Adopted	No Minimum Fine
8-7101	Amendments to Moline Plumbing Code	No Minimum Fine
Article VIII.	Electrical Code	
8-8100	General Reference	No Minimum Fine
8-8101	Electrical Code Adopted	No Minimum Fine
8-8102	Amendments to Electrical Code	No Minimum Fine
Article IV.	Miscellaneous	
Division 1.	Privately Owned Swimming Pools	
8-9103	Safety Requirements	No Minimum Fine
8-9105	Persons with Contagious Diseases Not to Use Pools	No Minimum Fine
8-9106	Permit Required; Application	No Minimum Fine
8-9107	Construction Bond Required; Exception	No Minimum Fine
8-9108	Concrete Construction	No Minimum Fine
8-9109	Approval of Other Types of Construction	No Minimum Fine
8-9110	Aprons; Scum Disposal	No Minimum Fine
8-9111	Plumbing	No Minimum Fine
8-9112	Water Supply	No Minimum Fine
Division 2.	Hotels and Motels	
8-9201	Conformity to this Chapter Required; Exceptions	No Minimum Fine
8-9202	License Required	No Minimum Fine
8-9206	Transferability	No Minimum Fine
8-9207	Display	No Minimum Fine
8-9208	Notice of Transfer or Sale of Business	No Minimum Fine
Chapter 9	Body Art Code	
Article I.	In General	
9-1101	License Required	\$250.00 for first offense; \$500.00 for second offense; \$750.00 for each offense thereafter

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9-1104	Existing Establishments and Technicians	\$100.00 for first offense; \$200.00 for second offense; \$400.00 for each offense thereafter
9-1105	Body Art Establishment Premises Standards	\$100.00 for first offense; \$200.00 for second offense; \$400.00 for each offense thereafter
9-1106	Prohibitions	\$250.00 for first offense; \$500.00 for second offense; \$750.00 for each offense thereafter
9-1107	Body Art Notice and Reporting Requirements	\$100.00 for first offense; \$200.00 for second offense; \$400.00 for each offense thereafter
9-1108	Client Medical History	\$250.00 for first offense; \$500.00 for second offense; \$750.00 for each offense thereafter
9-1109	Performance of Body Art Procedures	\$250.00 for first offense; \$500.00 for second offense; \$750.00 for each offense thereafter
9-1110	Records	\$100.00 for first offense; \$200.00 for second offense; \$400.00 for each offense thereafter

9-1111	Equipment, Instruments, and Supplies; Sanitation and Sterilization Procedures	\$250.00 for first offense; \$500.00 for second offense; \$750.00 for each offense thereafter
9-1112	Storage and Disposal of Waste	\$250.00 for first offense; \$500.00 for second offense; \$750.00 for each offense thereafter
Article II	Temporary Body Art Establishments and Technicians, and Mobile Body Art Vehicles	
9-2101	Temporary Body Art Establishments	\$250.00 for first offense; \$500.00 for second offense; \$750.00 for each offense thereafter
9-2103	Mobile Body Art Vehicles	\$250.00 for first offense; \$500.00 for second offense; \$750.00 for each offense thereafter
Article III	Administration and Enforcement	
Division 1.	In General	
9-3102	Renewal of License	\$250.00 for first offense; \$500.00 for second offense; \$750.00 for each offense thereafter
Division. 2.	Inspections	
9-3200	Right to Inspect and Examine Records	\$250.00 for first offense; \$500.00 for second offense; \$750.00 for each offense thereafter
	(Ord. No. 2001-12-04; new penalty provisions for Chapter 9 to Table 2-6110.1 enacted; 12/11/01)	
Chapter 11	Fire Prevention and Protection	
Article I.	Fire Prevention	
11-1100	Fire Code Adopted	No Minimum Fine
11-1101	Local Amendments to Fire Code	
11-1101(a)	Fire Marshall	No Minimum Fine

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11-1101(b)	Board of Appeal	No Minimum Fine
11-1101(c)	Citations	\$10.00
11-1101(d)	(Reserved)	No Minimum Fine
11-1101(e)	Unlawful Possession of Fireworks	\$100.00
11-1101(f)		\$100.00
11-1101(g)		\$10.00
11-1101(h)		\$10.00
11-1101(i)		\$10.00
11-1101(j)	Location of Containers	\$10.00
11-1101(k)	Refilling Tanks	\$10.00
	(2002-09-05; new penalty provisions for Sec. 11-1102 in Table 2-6110.1 enacted; 09/17/02)	
Chapter 14	Food and Food Handlers	
Article I.	Adoption by Reference	
14-1100	Food Service Sanitation Rules and Regulations	No Minimum Fine
14-1101	Retail Food Store Sanitation Rules and Regulations	No Minimum Fine
Article II.	Restaurants and Other Food Service Establishments	
14-2200	In General	No Minimum Fine
14-2201	Issuance of Food Service Establishment & Retail Food Store Licenses	No Minimum Fine
14-2202	Issuance of Temporary & Mobile Licenses	No Minimum Fine

14-2203	License Fees & Payment	Two times the applicable fee for such license
14-2204	Limitation on Duration of Licenses for Temporary Food Service Establishments	No Minimum Fine
Division 3.	Door-to-Door Sales of Food	
14-2300	Guidelines	No Minimum Fine
14-2301	Food Sources	No Minimum Fine
14-2302	Equipment and Supplies	No Minimum Fine
14-2303	Temperature Control	No Minimum Fine
14-2304	Cleaning & Maintenance	No Minimum Fine
14-2305	Labeling	No Minimum Fine
Article III.	Administration and Enforcement	
Division 2.	Inspections	
14-3201	Access into Food Service Establishment	No Minimum Fine

14-3204	Examination & Condemnation of Food and/or Equipment	No Minimum Fine
14-3205	Food Service Establishments Outside of City Jurisdiction	No Minimum Fine
Article IV.	Equipment & Plan Approval	
14-4100	Plan Review of Future Construction	No Minimum Fine
Chapter 15	Garbage and Trash	
Article I.	In General	
15-1101	Tampering with Containers	No Minimum Fine
15-1102	Vacation of Premises	No Minimum Fine
15-1103	Vehicles Carrying Refuse	No Minimum Fine
15-1104	Dumping in the City	No Minimum Fine
15-1105	Scavenging or Theft of Recyclable Materials	\$50.00 for first offense

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		\$100.00 for second or each subsequent offense committed within a 180-day period
Article II.	Containers and Collections	
Division 1.	Refuse Containers	
15-2100	Required Containers for Property Type	No Minimum Fine
15-2101	Automated Tipper Carts	No Minimum Fine
15-2102	Time for Making Containers Available for Collection	No Minimum Fine
15-2103	Placing Containers on Right-of-Way Prohibited	No Minimum Fine

Division 2.	Refuse Collection	
15-2200	Preparation and Collection of Residential Refuse	No Minimum Fine
15-2200(a)(3)	Sharps	\$200.00 for first offense; \$300.00 for second or each subsequent offense committed within a 180-day period
Article III.	Private Scavengers	
Division 1.	In General	
15-3100	Equipment Requirements	No Minimum Fine
15-3101	Hours of Operation	No Minimum Fine
15-3102	Overnight Parking	No Minimum Fine
15-3103	Compliance with Laws	No Minimum Fine
15-3104	Vehicle and Container Marking	No Minimum Fine
Division 2.	Licenses	
15-3200	License Required	No Minimum Fine
15-3203	Each Vehicle Licensed; Fees; Assignments	No Minimum Fine
15-3205	Display of License	No Minimum Fine
	(Ord. No. 2002-08-11; penalty provisions for Sec. 16-1104, "Libraries," "Disorderly Conduct," repealed and deleted; 09/10/02)	
Chapter 17	Licenses and Business Regulations	
Article II.	Sales Regulations, Itinerant Vendors and Transient Merchants	
17-2200	License Required	\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter
17-2201	Display of License	No Minimum Fine
17-2202	Sales Regulations	No Minimum Fine
17-2203	Fixed Location Transient Merchants	No Minimum Fine
17-2207	Duplicate and Individual Licenses; When Each Required	No Minimum Fine
17-2208	Charitable and Non-Profit Organizations	No Minimum Fine
17-2209	Blanket Licenses	No Minimum Fine
Article III.	Junk and Secondhand Dealers	
Division 2.	Licenses	
17-3200	Required	No Minimum Fine
17-3201	Transferability	No Minimum Fine
17-3205	Extension of License for Weekly Auction Sales; Fee	No Minimum Fine

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Article IV.	Reserved	
Article V.	Regulations for Sexually Oriented Business Activities	
17-5104	Adult Establishment Licenses Generally	\$100.00
17-5108	Inspections by the City	\$100.00
17-5109	Change of Information	\$100.00
17-5110	Regulations Applicable to All Adult Entertainment Establishments	\$100.00
17-5111	Special Regulations for Adult Booths	\$100.00
17-5112	Special Regulations for Adult Cabarets	\$100.00
17-5113	Regulations for Adult Motels	\$100.00
17-5114	Special Regulations for Adult Stores	\$100.00
17-5115	Special Regulations for Adult Theaters	\$100.00
17-5116	Special Regulations for Nude Model Studios	\$100.00
17-5117	Special Regulations for Escort Agencies	\$100.00
17-5118	Licensee Responsibility for Employees	\$100.00
17-5121	Record Keeping by Licensee	\$100.00
Article VI.	Pawnbrokers	
17-6101	License Required	No Minimum Fine
17-6105	Registered	No Minimum Fine
17-6106	Memorandum of Transaction	No Minimum Fine
17-6107	Inspection	No Minimum Fine
17-6108	Buying Certain Articles Prohibited	No Minimum Fine
17-6109	Transactions with Minors	No Minimum Fine
17-6110	Transactions with Intoxicated Persons or Thieves	No Minimum Fine
17-6111	Employment of Persons under Sixteen	No Minimum Fine
Article VII.	Motor Vehicle Towing Services	
17-7101	Ownership and Management	No Minimum Fine
17-7102	Prohibited Financial Transactions	No Minimum Fine
17-7103	Premises From and Circumstances Under Which Unauthorized Vehicles May or May Not be Towed	No Minimum Fine
17-7104	Release of Motor Vehicles From Custody of Relocators	No Minimum Fine
17-7105	Notification to Law Enforcement Agencies	No Minimum Fine
17-7109	Vehicle Identification	No Minimum Fine
17-7110	Construction, Erection, Placement, Design and Illumination of Signs	No Minimum Fine
17-7111	Application for Renewal of Relocator's License	No Minimum Fine
17-7113	Posting of Rates and Charges	No Minimum Fine
17-7114	Illegal Parking	\$25.00
Article VIII.	Burglar, Hold-Up and Fire Alarm Systems and Users	
17-8103	Standards and Regulations Authorized	\$25.00; 500.00 maximum
17-8104	Audible Alarm Requirements	\$25.00; \$500.00 maximum
17-8105	Automatic Dialing Device, Intermediary Services	\$25.00; \$500.00 maximum
17-8017	Radio Alarms	\$25.00; \$500.00 maximum
17-8109	Permits Required	\$25.00; \$500.00 maximum
17-8111	Notice of Application/Information Change	\$25.00; \$500.00 maximum
17-8113	Permit Renewal	\$25.00; \$500.00 maximum
17-8122	Responsibility for Alarm Response	\$25.00; \$500.00 maximum
Article IX.	Raffles	

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17-9102	License Required	\$25.00
17-9105	Conduct of Raffles	\$25.00
17-9107	Records	\$25.00
Chapter 20	Motor Vehicles	
20-4120	Sound Amplification Regulation	\$75.00
20-5100	Prohibited Parking Zones; Establishment	\$25.00
20-5101	Prohibited Parking Areas at Certain Times;	\$35.00
20-5102	Improper Parking Purposes	\$35.00
20-5103	Unattended Motor Vehicles	\$35.00
20-5104	Double Parking	\$25.00
20-5105	Designation of Parking Spaces; Conformity with Markings	
20-5105(d)		\$25.00
20-5105(e)		\$25.00
20-5105(f)		\$50.00
20-5105(g)		\$25.00
20-5107	Manner of Parking	\$25.00
20-5108	Backing to the Curb	\$25.00
20-5109	Parking Time Limits/Restrictions Established	\$25.00
20-5110	Parking Wide Vehicles in Residential Areas	\$25.00
20-5112	Public Carrier Stands	\$25.00
20-5113	Manner of Picking Up and Discharging Bus Passengers	\$35.00
20-5114	Loading Zones	\$35.00
20-5115	Restrictions on Parking for Cleaning of Streets	\$35.00
20-5116	Official Municipal Parking Zones	\$50.00
20-5117	Fire Lanes	\$35.00
20-5118	Regulations on Private Property	\$250.00
20-5123	Persons with Disabilities Parking Included in Contracts	\$250.00
20-5124	Unauthorized Persons Using Persons with Disabilities Spacing; a Violation	\$250.00
20-5201	When Parking along Snow Routes is Unlawful	\$35.00
20-5206	Unattended Vehicles Parked on Streets in Excess of 48-Hours Subject to Removal by Police; Cost of Removal	\$35.00
20-5300	Operation of Parking Meters	\$25.00
20-5303	Parking When Meters are Not Required to be Operated	\$35.00
20-5304	Improper Coins or Tokens	\$50.00
20-5305	Time Limits in Zones Established	\$35.00
20-5309	Vandalism	\$50.00
20-6100	Obedience to Traffic-Control Devices and Traffic Regulations	\$35.00
20-6103	To Use Right Half of Crosswalks	\$35.00
20-6104	Soliciting Rides or Business	\$35.00
20-6105	Walking on Roadways	\$35.00
20-6107	Skateboarding, In-Line Skating and Roller-Skating	\$35.00
20-7501	Parking of Trucks and Other Vehicles on Public Right-of Way Prohibited	\$35.00
Chapter 21	Nuisances in General	
21-1100	Defined	No Minimum Fine

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21-1101	Nuisances Constitute Violation	No Minimum Fine
21-1102	Standing to Complain	No Minimum Fine
21-1103	Abatement Proceedings in General	No Minimum Fine
Chapter 22	Offenses - Miscellaneous	
Article I.	In General	
22-1100	Impersonating City Officer or Police Officer	\$200.00 and/or imprisonment and/or not to exceed 6 months; or both
	(Ord. No. 2002-08-11; new penalty provision for Sec. 22-1100 enacted; 09/10/02)	
22-1101	Fortunetelling; Defined; Prohibited	No Minimum Fine

22-1102(b)	Curfew: Imposed Upon Minors; Duties of Parents; Enforcement	\$25.00 for first offense; \$50.00 for second offense; \$100.00 for each offense thereafter
22-1103	Clinging to Railroad Cars and Other Vehicles	\$75.00
22-1104	Abandoned Refrigerators and Similar Appliances	\$150.00
	(Ord. No. 2002-08-11; new penalty provisions for Sec. 22-1103 and 22-1104 enacted; 09/10/02)	
22-1105	Tobacco Products, Tobacco Accessories and Smoking Herbs	
22-1105(b)	License required	No Minimum Fine
22-1105(e)	Prohibited sales, delivery - signs	\$250.00 for first offense; \$500.00 for second or subsequent offense
22-1105(f)	Minimum age to sell tobacco products	No Minimum Fine
22-1105(g)	Purchase by minors prohibited	\$100.00
22-1105(h)	Possession of minors prohibited	\$100.00
22-1105(i)	Proximity to certain institutions	No Minimum Fine
22-1105(j)	Certain free distributions prohibited	No Minimum Fine
22-1105(k)	Vending machines - locking devices	No Minimum Fine
22-1105(l)	Responsibility for agents and employees	No Minimum Fine
	(Ord. No. 2002-06-16; new penalty provisions for Sec. 22-1105; 06/25/02)	
22-1106	Possession of Cannabis	\$250.00 for first offense; \$500.00 for second offense; \$750.00 for each offense thereafter
22-1107	Use/Sale of Intoxicating Compounds Prohibited	\$300.00
	(Ord. No. 2002-08-11; new penalty provision for Sec. 22-1107 enacted; 09/10/02)	
22-1108	Swimming in River - Prohibited	\$100.00
22-1109	Unlawful Use/Possession of Laser Pointing Device	No Minimum Fine

22-1110	Endangering the Life or Health of a Child	\$250.00 for first offense; \$500.00 plus six (6) months conditional discharge for second or subsequent offense
	(Ord. No. 2002-10-06; new penalty provisions for Sec. 22-1110 enacted; 10/22/02)	
Division 2.	Drug Paraphernalia	
22-1201	Possession of Drug Paraphernalia	\$350.00 for first offense; \$550.00 for second offense; \$750.00 for each offense thereafter

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22-1202	Manufacturing or Delivery of Drug Paraphernalia	\$350.00 for first offense; \$550.00 for second offense; \$750.00 for each offense thereafter
22-1203	Delivery of Drug Paraphernalia to a Minor	\$350.00 and/or jail term not to exceed 6 months, or both
22-1204	Advertisement of Drug Paraphernalia	\$100.00
	(Ord. No. 2002-08-11; new penalty provisions for Sec. 22-1202, 22-1203, 22-1204 enacted; Sec. 22-1205 "Penalties" repealed; 09/10/02)	
Division 3.	Parental Responsibilities	
22-1302	Parental Duties	No Minimum Fine
22-1303	Parental Violation and Penalty	\$100.00
22-1305	Liability of Parents; Record of Notification	No Minimum Fine
Division 4.	Motor Vehicle Responsibilities	
	(Ord. No. 2003-11-08; Penalty Provisions for Sec. 22-1401, as set forth in Table 2-6110.1 repealed; 11/18/03)	
Division 5.	Neglected and Delinquent Children Offenses	
22-1502	Contributing to the Dependency or Neglect of a Child	No Minimum Fine
22-1503	Contributing to the Delinquency of a Child	No Minimum Fine
Division 6	Look-Alike Substances	
22-1602	Unlawful Possession of a Look-Alike Substance	\$100.00 for first offense; \$200.00 for second offense; \$400.00 for each offense thereafter. Fines are doubled if offense occurs Within 1000 feet of any property owned or leased by any public or private elementary, middle or secondary school, public park, public housing authority, church or other religious organization.
Article II.	Disorderliness	
22-2100(a)(1)		\$50.00 for first offense; \$100.00 for second offense; \$350.00 for each offense thereafter
22-2100(a)(2)		\$50.00 for first or subsequent offense plus restitution (restitution not to exceed \$750.00)
22-2100(a)(3)		\$50.00 for first or subsequent offense plus restitution (restitution not to exceed \$750.00)
22-2100(a)(4)		\$50.00 for first or subsequent offense plus restitution (restitution not to exceed \$750.00)
22-2100(a)(5)		\$250.00 for first offense; \$500.00 for each offense thereafter
22-2100(a)(6)		\$100.00 for first offense \$200.00 for second offense \$400.00 for each offense thereafter
22-2100(a)(7)		\$50.00 for first offense \$100.00 for second offense \$350.00 for each offense thereafter
22-2100(a)(8)		\$100.00 for first offense

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		\$200.00 for second offense \$400.00 for each offense thereafter
22-2100(a)(9)		\$100.00 for first offense \$200.00 for second offense \$400.00 for each offense thereafter
22-2100(a)(10)		\$50.00 for first offense \$100.00 for second offense \$350.00 for each offense thereafter
22-2100(a)(11)		\$250.00 for first offense \$500.00 for each offense thereafter
22-2100(a)(12)		\$250.00 for first offense \$500.00 for each offense thereafter
22-2100(b)	Intimidation	\$100.00 for first offense \$200.00 for second offense \$400.00 for each offense thereafter
22-2100(c)	Harassment by Telephone	\$100.00 for first offense \$200.00 for second offense \$400.00 for each offense thereafter
22-2100(d)	Harassment by Electronic Communication	\$100.00 for first offense \$200.00 for second offense \$400.00 for each offense thereafter
	(Ord. No. 2002-01-03; new penalty provisions for Sec. 22-2100; 01/15/02)	
22-2101	Assault	\$100.00 for first offense; \$200.00 for second offense; \$300.00 for each offense thereafter

22-2102	Battery	\$200.00 for first offense; \$350.00 for second offense; \$550.00 for each offense thereafter
	(Ord. No. 2002-08-11; new penalty provisions for Sec. 22-2101 and Sec. 22-2102 enacted; 09/10/02)	
22-2103(d)		\$50.00 for first offense; \$100.00 for second offense; \$200 for each offense thereafter
22-2104	Unnecessary Repetitive Driving Prohibited; Penalty	\$100.00
Article III.	Offenses Against Property	
22-3100	Criminal Damage to Property	\$100.00 for first offense; \$200.00 for second offense; \$300.00 for each offense thereafter
	(Ord. No. 2002-08-11; new penalty provisions for Sec. 22-3100 enacted; 09/10/02)	
22-3101	Criminal Trespass to Vehicles	\$50.00 for first offense; \$100.00 for second offense; \$250.00 for each offense thereafter
22-3102	Criminal Trespass to Land	\$100.00
	(2002-09-05; new penalty provision for Sec. 22-3102 in Table 2-6110.1; 09/17/02)	

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22-3103	Unlawful Damage to City Supported Property	\$100.00 for first offense; \$200.00 for second offense; \$300.00 for each offense thereafter
	(Ord. No. 2002-08-11; new penalty provisions for Sec. 22-3103 enacted; 09/10/02)	
22-3104	Unlawful Trespass on City Supported Lands	No Minimum Fine
22-3105	Theft	<u>First offense:</u> Property value less than \$50.00: \$50.00; Property value more than \$50.00: double value of property <u>Second offense:</u> Property value less than \$50.00: \$150.00; Property value more than \$50.00: triple value of property
22-3106	Theft from Coin-Operated Machines	\$100.00
	(Ord. No. 2002-08-11; new penalty provision for Sec. 22-3106 enacted; 09/10/02)	
22-3107	Retail Theft	<u>First offense:</u> Property value less than \$50.00: \$50.00; Property value more than \$50.00: double value of property <u>Second offense:</u> Property value less than \$50.00: \$150.00; Property value more than \$50.00: triple value of property
Article IV.	Weapons	
22-4100	Unlawful Use of Weapons	\$100.00 for first offense; \$200.00 for second offense; \$300.00 for each offense thereafter
22-4101	Unlawful Sale of Firearms	\$100.00 for first offense; \$200.00 for second offense; \$300.00 for each offense thereafter
	(Ord. No. 2002-08-11; new penalty provisions for Sec. 22-4100 and Sec. 22-4101 enacted; 09/10/02)	
22-4102	Confiscation and Disposition of Weapons	No Minimum Fine
22-4103	Discharge of Weapons	
22-4103(a)		\$100.00 for first offense; \$200.00 for second offense; \$300.00 for each offense thereafter
22-4103(b)		\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter
	(Ord. No. 2002-08-11; new penalty provisions for Sec. 22-4103 (a) and Sec. 22-4103 (b) enacted; 09/10/02)	
Article V.	Gambling	
22-5101	Gambling Declared an Offense; Acts Constituting Gambling Enumerated	\$200.00
	(Ord. No. 2002-08-11; new penalty provision for Sec. 22-5101 enacted; 09/10/02)	
Article VI.	Littering	

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22-6100	Prohibited on Public Property	\$100.00, plus \$75.00 administrative fee (cost to remedy)
22-6101	When Prohibited on Private Property	\$100.00, plus \$75.00 administrative fee (cost to remedy)
22-6102	Violations of this Article Declared to be a Nuisance	\$100.00, plus \$75.00 administrative fee (cost to remedy)
	(2002-09-05; new penalty provisions for Sec. 22-6100, 22-6101 and Sec. 22-6102 in Table 2-6110.1; 09/17/02)	
Article VII.	Offenses Against Public Decency	
Division 1.	In General	
22-7100	Prostitution	No Minimum Fine
22-7101	Patronizing a Prostitute	No Minimum Fine
22-7102	Soliciting for a Prostitute	No Minimum Fine
22-7103	Pimping	No Minimum Fine
22-7104	Pandering	No Minimum Fine
Division 2.	Obscenity	
22-7201	Acts Constituting Obscenity Enumerated	No Minimum Fine

Article VIII.	Vandalism	
22-8101	Offenses	No Minimum Fine
22-8103	Liability of Parent or Legal Guardian of Minor Offender	No Minimum Fine
Chapter 23	Parks and Recreation	
Article II.	Operation of Parks and Recreational Facilities	
23-2102	Rules of Conduct Applicable to All Parks	
23-2102(c)(1)		\$25.00
23-2102(c)(2)		\$100.00 for first offense; \$200.00 for second offense; \$300.00 for each offense thereafter
23-2102(c)(3)		\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter

23-2102(c)(4)		\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter
23-2102(c)(5)		\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter
23-2102(c)(6)		\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter
23-2102(c)(7)		\$100.00 for first offense; \$200.00 for second offense; \$300.00 for each offense thereafter
23-2102(c)(8)		\$25.00
23-2102(c)(9)		\$25.00
23-2102(c)(10)		\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter

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23-2102(c)(11)		\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter
23-2102(c)(12)		\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter
23-2102(c)(13)		\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter
23-2102(c)(14)		\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter
23-2102(c)(15)		\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter
23-2102(c)(16)		\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter
23-2102(c)(17)		\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter
23-2102(c)(18)		<i>See 22-2100(e)</i>
23-2102(c)(19)		\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter
23-2102(c)(20)		\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter
23-2102(c)(21)		\$50.00 for first offense; \$100.00 for second offense; \$200.00 for each offense thereafter
	(Ord. No. 2002-08-11; new penalty provisions for Sec. 22-2102 (c)(1-21) enacted; 09/10/02)	
Article III.	Watercraft, Docks and Waterways	
Division 1.	In General	

23-3101	Conduct of Persons in Watercraft Launching or Pier Areas	No Minimum Fine
23-3101.1	Restricted Areas of Parking/Boat Ramps	No Minimum Fine
Division 2.	Operation of Watercraft	
23-3200	Careless and Reckless Operation	No Minimum Fine
23-3201	Interference with Navigation	No Minimum Fine
23-3202	Overloading	No Minimum Fine
23-3203	Incapacity of Operator; Intoxication	No Minimum Fine
23-3204	Overpowering	No Minimum Fine
23-3205	Observance of Restricted Areas	No Minimum Fine
23-3206	Rules of the Road	No Minimum Fine
23-3207	Water-skiing and Similar Operations	No Minimum Fine
23-3208	Boat Harbor Area Defined; Conduct Within	No Minimum Fine
23-3209	No-Wake Zone Established	No Minimum Fine
Article IV.	Cemetery Operation	
23-4106	Manner of Sale of Interment Rights; Assignability	No Minimum Fine
Chapter 26	Police	

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Article I.	In General	
26-1101	Resisting or Obstructing the Mayor or Peace Officer	\$75.00
26-1102	Obstructing Service of Process	\$250.00
	(Ord. No. 2002-08-11; new penalty provisions for Sec. 26-1101 and 26-1102 enacted; 09/10/02)	
26-1103	Refusing to Aid a Peace Officer	No Minimum Fine
Chapter 28	Streets and Sidewalks	
Article I.	In General	
28-1100	Duties of Abutting Property Owners	No Minimum Fine
28-1101	Discharge of Water Prohibited	No Minimum Fine
Article II.	Street Use	
28-2104	When Continuing Guaranty Bond is Required for Excavations	No Minimum Fine
28-2105	Barricades	No Minimum Fine
28-2106	Openings on Public Ways to be Prohibited	No Minimum Fine
28-2107	Underground Areas to be Filled	No Minimum Fine
Division 3.	Permits	
28-2300	When Required	No Minimum Fine
Article III.	Sidewalks	
Division 1.	In General	
28-3101	Water Not to be Conducted to Sidewalks	No Minimum Fine
28-3104	Duty of Abutting Owner to Maintain	No Minimum Fine
Article IV.	Encroachments	
Division 1.	In General	
28-4100	Display of Motor Vehicles for Sale	No Minimum Fine
28-4101	Placing Bus Benches, Refuse Containers, or Vending Machines on Public Ways	No Minimum Fine
28-4201	Encroachments Prohibited	No Minimum Fine
Article VI.	Interring of Utility Facilities	
28-6100	Interring Required	No Minimum Fine
Chapter 32	Vegetation	
Article I.	In General	
32-1100	Weed Abatement	\$25.00, plus costs of abating weeds, plus \$100.00 administrative fee
Article II.	Trees	
32-2102	Licenses	No Minimum Fine
32-2103	Permits	No Minimum Fine
32-2104	Obstructions to Trees	No Minimum Fine
32-2105	Excavations and Construction	No Minimum Fine
32-2107	Public Nuisances and Abatement	No Minimum Fine
32-2108	Abuse/Mutilation of Public Trees	No Minimum Fine
32-2109	Interference with City Forestry Operations	No Minimum Fine
32-2110	Violation and Penalty	No Minimum Fine
Chapter 35	Zoning	
Article I.	In General	
35-1104	General Provisions	No Minimum Fine
35-1105	Accessory Buildings	No Minimum Fine
Article II.	Non-Conforming Buildings and Uses	
35-2100	Continuance of Use	No Minimum Fine
35-2101	Discontinuance of Use	No Minimum Fine
35-2102	Change of Use	No Minimum Fine

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35-2103	Termination and Removal of Non-Conforming Uses	No Minimum Fine
35-2104	Repairs and Alterations	No Minimum Fine
35-2105	Damage and Destruction	No Minimum Fine
35-2106	Additions and Enlargements	No Minimum Fine
Article III.	Off-Street Parking and Loading	
35-3101	General Provisions - Parking and Loading	No Minimum Fine
35-3102	Additional Regulations - Loading; Design	No Minimum Fine
35-3105	Location of Parking Areas	No Minimum Fine
35-3106	Schedule of Parking Requirements	No Minimum Fine
35-3107	Off-Street Loading and Unloading Facilities	No Minimum Fine
Article IV.	Special Uses, Special Districts, and Overlay Districts	
Division 2.	Planned Unit Development District	
35-4203	Service Improvements	No Minimum Fine
Article V.	Use Districts	
35-5101	R-1 One-Family Dwelling District (6 units per acre)	No Minimum Fine
35-5102	Height of Buildings	No Minimum Fine
35-5103	Lot Size	No Minimum Fine
35-5104	Yard Areas	No Minimum Fine
35-5105	Dwelling Standards	No Minimum Fine
35-5106	R-2 One-Family Dwelling District; (7 units per acre) Permitted Uses	No Minimum Fine
35-5107	Height of Buildings	No Minimum Fine
35-5108	Lot Size	No Minimum Fine
35-5109	Yard Areas	No Minimum Fine
35-5110	Dwelling Standards	No Minimum Fine
35-5111	R-3 One-Family Dwelling District; (8 units per acre) Permitted Uses	No Minimum Fine
35-5112	Height of Buildings	No Minimum Fine
35-5113	Lot Size	No Minimum Fine
35-5114	Yard Areas	No Minimum Fine
35-5115	Dwelling Standards	No Minimum Fine
35-5116	R-4 Two-Family Dwelling District; (7 single family units/acre; 6 duplexes/acres) Permitted Uses	No Minimum Fine
35-5117	Height of Buildings	No Minimum Fine
35-5118	Lot Size	No Minimum Fine
35-5119	Yard Areas (Minimum Standards)	No Minimum Fine
35-5120	Dwelling Standards	No Minimum Fine
35-5121	R-4A Townhouse Dwelling District; Permitted Uses	No Minimum Fine
35-5122	R-4B Low Density Multiple Family District; Permitted Uses	No Minimum Fine
35-5123	Area	No Minimum Fine
35-5124	Height	No Minimum Fine
35-5125	R-5 Multiple Family Dwelling District; Permitted Uses	No Minimum Fine
35-5126	Height	No Minimum Fine
35-5127	Area	No Minimum Fine
35-5128	R-6 Mobile Home Park District; Permitted Uses	No Minimum Fine

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Division 2.	Agricultural District	
35-5201	A-1 Agricultural District; Permitted Uses	No Minimum Fine
35-5202	Height	No Minimum Fine
Division 3.	Business Districts	
35-5301	B-1 Business District - Limited Retail; Permitted Uses	No Minimum Fine
35-5302	B-2 Business District - General Retail; Permitted Uses	No Minimum Fine
35-5303	B-3 Business and Wholesale District; Permitted Uses	No Minimum Fine
35-5304	Area Requirements - B-1, B-2, and B-3	No Minimum Fine
35-5305	B-1R Business District - Limited Retail Restricted; Permitted Uses	No Minimum Fine
35-5306	Area Regulations	No Minimum Fine
35-5307	B-2R Business District - General Retail Restricted; Permitted Uses	No Minimum Fine
35-5308	Area Regulations	No Minimum Fine
35-5309	B-3R Business District - Wholesale Restricted; Permitted Uses	No Minimum Fine
35-5310	Area Regulations	No Minimum Fine
35-5311	O-1 Office District	No Minimum Fine
35-5312	Permitted Uses	No Minimum Fine
35-5313	Signs	No Minimum Fine
35-5314	Sales of Products Prohibited	No Minimum Fine
35-5315	Yard Areas	No Minimum Fine
35-5316	Height Restrictions	No Minimum Fine
Division 4.	Manufacturing Districts	
35-5401	M-1 Manufacturing District, Limited; Permitted Uses	No Minimum Fine
35-5402	Height	No Minimum Fine
35-5403	Performance Standards	No Minimum Fine
35-5404	M-1R Manufacturing District, Limited, Restricted; Permitted Uses (Manufacturing)	No Minimum Fine
35-5405	Performance Standards	No Minimum Fine
35-5406	Yard Signs	No Minimum Fine
35-5407	Signs	No Minimum Fine
35-5408	M-2 Manufacturing District; General, Permitted Uses	No Minimum Fine
35-5409	Conditional Permitted Uses	No Minimum Fine
35-5410	Height	No Minimum Fine
35-5411	Performance Standards	No Minimum Fine
Article VI.	Administration	
Division 1.	Administrative Officers; Zoning Certificates; Certificates of Occupancy	
35-6105	Certificates of Occupancy; Scope of Permits; New Buildings and Uses	No Minimum Fine

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**SEC. 2-6111. IMMOBILIZATION/TOWING AND IMPOUNDMENT
OF MOTOR VEHICLES.**

(a) Any motor vehicle whose registered owner has been determined to be liable for ten (10) or more vehicular standing or parking regulation violation(s), for which the fines or penalties assessed remain unpaid, may be immobilized, booted or towed and impounded if:

- (1) The code enforcement coordinator has determined that a person has been determined to be liable for ten (10) or more ordinance violations, for which the fines or penalties remain unpaid.
- (2) The person determined to be liable for ten (10) or more violations is the registered owner of a motor vehicle located within the City geographical boundaries.
- (3) A Seizure Notice has been sent to the registered owner of the motor vehicle located within the geographical boundaries of the City which contains, but shall not be limited to the following:
 - a. That a final determination has been made on ten (10) or more ordinance violations, for which the fines and penalties remain unpaid;
 - b. A listing of the violations for which the person has been determined to be liable, which shall include for each violation:
 1. the ordinance violation notice number;
 2. date of issuance;
 3. total amount of fines and penalties assessed.
 - c. That the motor vehicle owned by the person and located within the City are subject to immobilization and/or towing and impoundment if the fines and penalties are not paid within, but not later than fifteen (15) days of the date of the notice;
 - d. Date of immobilization;
 - e. Date of impending towing and impoundment;
 - f. That the registered owner may contest the validity of the notice by appearing in person before the code enforcement coordinator within fifteen (15) days of the date of the notice and submitting evidence which would conclusively disprove liability, such as the following:
 1. That the registered owner was not the owner or lessee of the vehicle on the date or dates the notices of violation were issued; or
 2. That the fines or penalties for the violations cited in the notice were paid in full; or
 3. That the registered owner has not accumulated ten (10) or more ordinance violation notices which are unpaid, not adjudicated or for which no appearance was made; or
 4. The motor vehicle of the registered owner to whom notice is sent has failed to make payment of the fines or penalties as specified in the notice and has failed to appear with evidence to conclusively disprove liability before the Ordinance Enforcement Administrator to contest the validity of the notice.

(b) Nothing herein shall affect Sec. 20-5127, and the City may elect to proceed with either remedy as its best interests may require.

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SEC. 2-6112. REQUEST FOR HEARING IN THE CASE OF TOWING AND IMPOUNDMENT OF MOTOR VEHICLES.

Upon the receipt of the request for hearing to contest the validity of the immobilization or towing and impoundment, the code enforcement coordinator shall schedule an administrative hearing to contest the validity of the immobilization or towing and impoundment on the next scheduled hearing date or if sooner scheduled by the code enforcement coordinator for good cause shown, but in no case shall the hearing be scheduled later than thirty (30) days after the request for hearing is filed and shall serve notice of the hearing date upon the registered owner by first class mail, postage prepaid to the address as is set forth on the request for hearing. Service of the notice shall be complete on the date it is placed in the United States mail.

SEC. 2-6113. NOTICE AFFIXED TO VEHICLE IN CASES OF IMMOBILIZATION.

Upon immobilization of an eligible vehicle, a notice shall be affixed to the vehicle in a conspicuous place. Such notice shall warn that the vehicle is immobilized and that any attempt to move the vehicle may result in its damage. The notice shall also state that the unauthorized removal of or damage to the immobilizing restraint is a violation of Sections 16-1 and 21-1 of the Illinois Criminal Code. The notice also shall provide the following information specifying that a release of the immobilizing restraint may be had by:

(a) Paying all the fines and penalties, if any, on the outstanding complaints for which notice has been sent prior to the date of the immobilization; or

(b) Completing appearance forms on all outstanding parking violation complaints for which notice had been sent prior to the date of the immobilization and depositing collateral in the amount of fifty percent (50%) of the total fines for these outstanding parking violation complaints or five-hundred dollars (\$500), whichever is less.

SEC. 2-6114. TOWING OF IMMOBILIZED VEHICLE.

Except where the vehicle is otherwise subject to towing, if the immobilizing restraint has not been released as hereinabove provided, within seventy-two (72) hours of its placement, the vehicle shall be towed and impounded.

SEC. 2-6115. POST-IMPOUNDMENT NOTICE.

Within ten (10) days after a vehicle has been impounded, notice of impoundment shall be sent by certified mail, return receipt requested, to the registered owner of the vehicle. The notice shall state that the owner has the right to a post-immobilization and post-towing hearing as provided in Sec. 2-1116 and that if the vehicle is not claimed within thirty (30) days from the date of the notice, the vehicle may be sold or otherwise disposed of in accordance with the Illinois Vehicle Code.

SEC. 2-6116. HEARING IN CASE OF VEHICLE IMMOBILIZATION.

The owner of an immobilized vehicle or other interested person shall have the right to a hearing to determine whether the immobilization or any subsequent towing was erroneous or whether the vehicle was properly included on an immobilization list, if the owner files a written demand for a hearing before the code enforcement coordinator within fourteen (14) days after issuance of the notice specified in Sec. 2-6115 or within fourteen (14) days of immobilization, whichever is later. A hearing shall be conducted on any business day within forty-eight (48) hours of receipt of a written demand for hearing, unless otherwise mutually agreed by the parties. Failure to request or attend a scheduled hearing shall be deemed a waiver of the right to a hearing. In the event of such failure, any amount deposited pursuant to Sec. 2-6113 (2) shall be forfeited. A hearing provided by this section shall not determine the validity of or otherwise adjudicate any citation or notice of ordinance violation issued related to the immobilized vehicle, but shall only relate to whether the vehicle was properly immobilized or towed by determining whether the owner previously submitted evidence required by Sec. 2-6111.

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SEC. 2-6117. TOWING SERVICES.

The code enforcement coordinator shall appoint or retain the services of an individual agency or company to tow and impound vehicles in accordance herewith, provided that that individual, agency or company is fully insured and licensed according to local or state law and has available a secured impound area within which to retain vehicles impounded hereunder. Said agency or company shall be the same as the City's current towing contractor, if one is currently contracted. For the purpose of this section, a secured area shall mean an area bounded by a fence, chain link or otherwise, of a sufficient height and with locking gates so as to minimize or prevent unauthorized entry into the impounded vehicles.

(Ord. No. 2000-06-05; new Article VI "Judiciary" enacted; 06/09/00)

DIVISION 2. ADMINISTRATIVE HEARING PROCEDURE FOR PUBLIC SAFETY EMPLOYEE BENEFIT CLAIMS

SEC. 2-6200. PURPOSE.

The purpose of this section is to provide a fair and efficient method of determining the eligibility of a former public safety employee for the benefits enumerated under the Public Safety Employee Benefits Act (820 ILCS 320/1 et seq.) through the process of administrative hearings. All benefits provided former employees pursuant to the Public Safety Employee Benefits Act ("Act") will be consistent with the Act.

SEC. 2-6201. ADMINISTRATIVE COMPOSITION.

(a) The hearing officer shall preside over all hearings involving the Public Safety Employee Benefits Act (820 ILCS 320/1 et seq.) and shall have all of the following powers and duties:

- (1) Administer oaths;
- (2) Hear testimony and accept evidence that is relevant to the issue of eligibility under the Act;
- (3) Issue subpoenas to secure attendance of witnesses and the production of relevant papers or documents upon the request of the parties or their representatives;
- (4) Rule upon objections in the admissibility of evidence;
- (5) Preserve and authenticate the record of the hearing and all exhibits in evidence introduced at the hearing;
- (6) Issue a determination based on the evidence presented at the hearing, the determination of which shall be in writing and shall include a written finding of fact, decision and order.

(b) The city administrator is hereby authorized to appoint a person or persons to hold the position of a hearing officer for each and every individual hearing that shall come before this City. In making said selection, the city administrator shall consider all pertinent information including, at a minimum:

- (1) The candidate's ability to comply with the job description as set forth herein;
- (2) Background and performance data made available to the City or otherwise obtained by the City;
- (3) The candidate must be an attorney licensed to practice law in the State of Illinois for at least three (3) years and have knowledge of and experience in employment and labor law, general civil procedure, the rules of evidence, and administrative practice.

(c) The system of administrative hearings for determination of eligibility for benefits under the Public Safety Employee Benefits Act (820 ILCS 320/1 et seq.) shall be initiated by the serving of a written notice on the city administrator by any former public safety employee stating in full detail the nature of the former employee's claim, giving full particulars thereof, i.e., date, time, place, nature of injury, and any other factual circumstances surrounding said incident giving rise to said claim; requesting the benefits enumerated under the Public Safety Employee Benefits Act (820 ILCS 320/1 et seq.), and requesting the setting of a hearing for the

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eligibility to receive said benefits. The claim shall be submitted within thirty (30) days of the date the disability has been approved by the pension board and upon a form as provided by the City of Moline. In the event a disability pension has been awarded thirty (30) days prior to passage of this ordinance, the former public safety employee shall have thirty (30) days after passage and publication of the ordinance to submit a claim.

(d) An administrative hearing shall be held to adjudicate and determine whether the former public safety employee is eligible for benefits under the Public Safety Employee Benefits Act (820 ILCS 320/1 et seq.). If the former employee is found eligible, the employee benefits shall be consistent with the Act.

- (1) Time and Date. Hearings shall be held on the date, time and place as established by the City, with appropriate notice served upon the former public safety employee.
- (2) Record. All hearings shall be attended by a certified court reporter and a transcript of all proceedings shall be made by said certified court reporter.
- (3) Procedures. The City and the petitioning former public safety employee shall be entitled to representation by counsel at said hearing and may present witnesses, may present testimony and documents, may cross-examine opposing witnesses, and may request the issuance of subpoenas to compel the appearance of relevant witnesses or the production of relevant documents.
- (4) Evidence. The rules of evidence as set forth in the Illinois Rules of Evidence shall apply.
- (5) Final Determination. The determination by the hearing officer of whether the petitioning former public safety employee is eligible for the benefits under the Public Safety Employee Benefits Act (820 ILCS 320/1 et seq.) shall constitute a final determination for the purpose of judicial review pursuant to administrative review as found in the Code of Civil Procedure (735 ILCS 5/3-101 et seq.).

(Ord. No. 3047-2015; new Div. 2, "ADMINISTRATIVE HEARING PROCEDURE FOR PUBLIC SAFETY EMPLOYEE BENEFIT CLAIMS," enacted; 12/01/15)

NOTE: Ord. No. 2003-05-05; references to standing committees repealed throughout the Code and updated with "City Council" or "Committee-of-the-Whole;" 05/13/03)