

Council Bill/General Ordinance No. 3009-2021

Sponsor: \_\_\_\_\_

AN ORDINANCE

AMENDING Chapter 21, “NUISANCES IN GENERAL,” Section 21-3101, “Definitions,” of the Moline Code of Ordinances.

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WHEREAS, the City of Moline is a home rule unit of government and has the authority to adopt ordinances, to promulgate rules and regulations that pertain to its government and affairs, including the regulation of nuisances within its boundaries, and the authority to protect the public health, safety, and welfare of its residents; and

WHEREAS, in Chapter 21, “NUISANCES IN GENERAL,” of the Moline Code of Ordinances, the City has adopted ordinances and promulgated rules and regulations concerning nuisances and as a part thereof, in Article III of Chapter 21, established the requirement that owners of vacant properties register them with the City; and

WHEREAS, in the exercise of its home rule powers, the City desires to amend its Code of Ordinances concerning the definitions set forth in Article III of Chapter 21.

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

**Section 1** – That the facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2** – That Chapter 21, “NUISANCES IN GENERAL,” section 21-3101, subparagraphs (a) (10) and (14) are hereby amended as follows (with additions marked by underline and deletions marked by ~~strike through~~):

**SEC. 21-3101. DEFINITIONS.**

(10) **Registrable property** shall mean:

a. Any property that is vacant for more than ninety (90) days or that is subject to any cancellation or termination of a utility or service, whichever occurs first.

1. A prolonged absence from a property where the owner or tenant has made arrangements to meet the maintenance requirements of Section 21-3106 shall exempt the otherwise “vacant property” from the registration requirement herein. The owner or tenant shall, upon request of the City of Moline, provide proof of such arrangements.

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- 2. A rental property that is, at the time of the occurrence of the vacancy, already listed on a registry maintained by the City of Moline, shall not be considered a "registrable property."
- 3. The owner of a commercial "vacant property" that is under contract for property management services shall register the property as required by this Article but, upon provision of the contact and contact information for the property manager or management firm, be exempt from the fees otherwise required herein.

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(14) **Vacant** shall mean any parcel of land in the City of Moline that contains any building or structure of which no part is lawfully occupied, provided that such definition shall not include:

- a) unoccupied buildings that are undergoing construction, renovation or rehabilitation and which are in compliance with all applicable statutes, ordinances, codes and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion;
- b) unoccupied buildings that are used on an intermittent basis by the Owner or tenant for legal uses permitted by applicable land use regulations, and which continues to meet the maintenance requirements of Section 21-3106.

**Section 3** – That if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 4** – That all prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**Section 5** – That this Ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law.

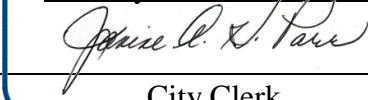
CITY OF MOLINE, ILLINOIS

DocuSigned by:  
  
 \_\_\_\_\_  
 Mayor 16AB8EFE254D4...

\_\_\_\_\_ April 27, 2021  
 Date

Passed: \_\_\_\_\_ April 27, 2021

Approved: \_\_\_\_\_  
 DocuSigned by:  
 May 11, 2021

Attest: \_\_\_\_\_  
  
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 City Clerk  
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