



# MOLINE CITY COUNCIL AGENDA

Tuesday, July 12, 2016

6:30 p.m.

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

City Hall

Council Chambers – 2<sup>nd</sup> Floor

619 16th Street

Moline, IL

Call to Order

Pledge of Allegiance

Invocation – Alderman Waldron

Roll Call

Consent Agenda

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

COUNCIL MEMBER	PRESENT	ABSENT
Rodriguez		
Parker		
Wendt		
Zelnio		
Turner		
Schoonmaker		
Waldron		
Acri		
Mayor Raes		

Approval of Minutes & Appointments Made

Committee of the Whole and Council meeting minutes of June 21, 2016 and appointments made during Committee of the Whole on July 12, 2016.

Second Reading Ordinances

**1. Council Bill/Special Ordinance 4037-2016**

**A Special Ordinance authorizing the Mayor and City Clerk to execute an agreement for professional services between the City of Moline and Thomas A. Skorepa to extend his services as the City’s Zoning Hearing Officer for a three-year period commencing July 24, 2016.**

**Explanation:** The City entered into an agreement for professional services in 2006 with attorney Thomas A. Skorepa to serve as the City’s Zoning Hearing Officer and preside over zoning hearings and proceedings. The agreement has twice been extended and is due to expire July 23, 2016. The City and Skorepa wish to extend the agreement for an additional three-year period, commencing July 24, 2016, under the same terms and conditions of the current agreement. Additional documentation attached.

**Fiscal Impact:** N/A

**Public Notice/Recording:** N/A

Resolutions

**2. Council Bill/Resolution 1092-2016**

**A Resolution authorizing the Mayor and City Clerk to execute a Contract with SAK Construction, LLC for Project #1250, 2016 Sanitary Sewer Lining, in the amount of \$83,949.00.**

**Explanation:** Bids were opened and publicly read on June 14, 2016, for Project #1250 with the following results:

\$83,949.00	SAK Construction, LLC
\$89,180.70	Visu-Sewer of Illinois, LLC
\$91,304.00	Hoerr Construction, Inc.
\$153,588.00	Insituform Technologies USA, LLC

SAK Construction, LLC submitted the lowest responsible and responsive bid. Additional documentation attached.

**Public Notice/Recording:** N/A

**Fiscal Impact:** Funds are budgeted and available as follows:

ACCOUNT	BUDGETED	AS-BID	
Utility Tax			
Water			
WPC	\$100,000.00	\$83,949.00	1840-433.08-30
Storm			
	\$100,000.00	\$83,949.00	

**3. Council Bill/Resolution 1093-2016**

**A Resolution authorizing the Mayor and City Clerk to accept a Permanent Utility and Drainage Easement for Project #1214, 2015 Utility Relocations along John Deere Road, on Tax Parcel No. 07 7762-1 from JASPALS Illinois Seven, LLC.**

**Explanation:** City of Moline Project #1214, 2015 Utility Relocations along John Deere Road, eliminates City of Moline water and sanitary sewer main conflicts from the Illinois Department of Transportation’s John Deere Road widening project. A permanent utility and drainage easement is necessary to allow access to Parcel No. 07-7762-1 for the installation and future maintenance of the relocated utilities. Additional documentation attached

**Fiscal Impact:** Rock Island County Recording Costs

**Public Notice/Recording:** Engineering Department will record

**Omnibus Vote**

**Non Consent Agenda**

**First Reading Ordinances**

**4. Council Bill/General Ordinance 3021-2016**

**An Ordinance amending Chapter 7, “ANIMALS AND FOWL,” of the Moline Code of Ordinances, Sec. 7-1101, “DEFINITIONS,” by enacting new subsections (5), (6), (7), (24), (31) and (36) and consecutively renumbering the remaining subsections of Sec. 7-1101; Sec. 7-1104, “LIVESTOCK AND DOMESTIC FOWL PROHIBITED IN CITY; RUNNING AT LARGE; NUISANCE,” by repealing said section in its entirety and enacting in lieu thereof one new Sec. 7-1104 dealing with the same subject matter; enacting one new Sec. 7-1104A entitled “URBAN HENS;” and Sec. 7-1116, “ANIMAL CAGES, RUNS, PENS, ETC.,” by repealing subsection (b)(4) in its entirety and enacting in lieu thereof one new subsection (b)(4).**

**Explanation:** The Code of Ordinances currently prohibits the keeping of domestic fowl, including chickens, within the City. Per resident request and City Council directive, City staff has reviewed the possibility of amending the Code to allow residents to keep chickens on residential properties within the City so they may be used as a sustainable living option for fresh, home-raised eggs. This ordinance would amend Chapter 7 of the Code to allow the keeping of up to six hens on a property containing a one-family detached dwelling (single family residence) that meets the proper zoning requirements set forth in the ordinance. An urban hen license issued by the City will be required before any individual may keep hens within the City, and the annual license fee will be \$25.00. The license will allow the keeping of hens (female chickens) only; the keeping of roosters will not be permitted. The hens must at all times be kept in a chicken enclosure or chicken pen or fenced area located a minimum of five feet from property lines and a minimum of 25’ from any adjacent residential dwelling, church, school or place of business. The chicken enclosure and chicken pen must be located on the rear or backyard of the property, or, if the rear or backyard does not meet these setback requirements, the enclosure and pen may be located in a side yard that meets the setback requirements. This ordinance will also amend the Chapter 7 Code provision pertaining to the sale of fowl by licensed businesses.

**Fiscal Impact:** Annual license fees

**Public Notice/Recording:** Pamphlet publication

**Public Comment**

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

**Executive Session (if necessary)**

OMNIBUS VOTE		
Council Member	Aye	Nay
Waldron		
Acri		
Rodriguez		
Parker		
Wendt		
Zelnio		
Turner		
Schoonmaker		
Mayor Raes		

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

A SPECIAL ORDINANCE

AUTHORIZING the Mayor and City Clerk to execute an agreement for professional services between the City of Moline and Thomas A. Skorepa to extend his services as the City's Zoning Hearing Officer for a three-year period commencing July 24, 2016.

WHEREAS, in 2006, the City of Moline created the position of Zoning Hearing Officer, pursuant to Chapter 35, Zoning and Land Development, of the Moline Code of Ordinances, Section 35-1302, and entered into an agreement for professional services with Thomas A. Skorepa ("Skorepa") to serve as the Zoning Hearing Officer; and

WHEREAS, Skorepa has served as the Zoning Hearing Officer since 2006 under the original agreement and its subsequent 2010 and 2013 extensions; and

WHEREAS, the current agreement is due to expire July 23, 2016, and the City and Skorepa wish to extend the agreement for another three-year period, commencing July 24, 2016, under the same terms and conditions of the current agreement.

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

**Section 1** – That the Mayor and City Clerk are hereby authorized to execute an agreement for professional services between the City of Moline and Thomas A. Skorepa to extend his services as the City's Zoning Hearing Officer for a three-year period commencing July 24, 2016; provided, however, that said agreement is in substantially similar form and content to that attached hereto and incorporated herein by this reference thereto as Exhibit A and has been approved as to form by the City Attorney.

**Section 2** – That this ordinance shall not constitute a repeal of any ordinance with which it may conflict, but shall be considered a temporary variance from said conflicting ordinance.

**Section 3** – That this ordinance shall be in full force and effect from and after passage, approval and, if required by law, publication in the manner provided for by law.

CITY OF MOLINE, ILLINOIS

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
June 21, 2016

\_\_\_\_\_  
Date

Passed: June 21, 2016

Approved: July 12, 2016

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

Approved as to Form:

\_\_\_\_\_  
City Attorney

AGREEMENT BETWEEN THE CITY OF MOLINE AND ATTORNEY FOR  
SERVICES AS THE CITY'S ZONING HEARING OFFICER

This AGREEMENT is effective this 24<sup>th</sup> day of July, 2016, by and between the City of Moline, Illinois (hereinafter "City"), and Thomas A. Skorepa (hereinafter "Attorney").

WHEREAS, on July 27, 2010, the City and the Attorney entered into an agreement for the Attorney to provide services as the Zoning Hearing Officer for the City; that agreement was extended for a three-year term and expires on July 23, 2016; and

WHEREAS, the City desires to retain the Attorney to continue to provide services as the Zoning Hearing Officer for the City.

IT IS THEREFORE STIPULATED, COVENTED, AND AGREED by and between the parties hereto in consideration of the mutual covenants contained herein as follows:

1. The CITY does hereby appoint the Attorney as the Zoning Hearing Officer to preside at all zoning appeal hearings and to fulfill the duties as directed by Article II, Divisions 1 and 2, of the Moline Zoning and Land Development Code.
2. That, in the performance of his duties, the Attorney will hear testimony and other evidence offered during the zoning appeal hearings relevant to the validity of the proposed variations of the Zoning and Land Development Code. At the conclusion of the presentation of evidence, he will issue and sign a written finding and decision on each item presented at the zoning appeal hearing.
3. The Attorney will have the assistance of the staff of the City of Moline, as may be assigned to the Zoning Hearing Officer, to assist him in administration of the zoning appeal hearings.
4. It is agreed that all hearings shall be held in the Moline City Council Chambers on the top floor of Moline City Hall, 619 16<sup>th</sup> Street, Moline, Illinois. If at any time this location will be unavailable, an alternate location may be arranged for by the City of Moline staff. The time and date of hearings shall be the third Thursday of every month at 4:00 p.m., unless otherwise specified by the City and agreed upon by the Attorney .
5. All necessary forms, stationery, supplies, and equipment will be provided by the City.
6. The City will pay the Attorney an hourly rate equal to that paid for MUNICES as currently in effect and approved by the City Council. This rate shall be billable in quarter hour increments for time spent in zoning appeal hearings and also time spent reviewing or considering zoning appeal applications outside of said hearings.

7. This agreement shall remain in effect for a period of three (3) years and may be terminated in advance by either party by giving sixty (60) days notice in writing of said termination.

CITY OF MOLINE, ILLINOIS

THOMAS A. SKOREPA

By: \_\_\_\_\_  
Scott Raes, Mayor

By:     *Thomas A. Skorepa*    

Attest: \_\_\_\_\_  
Tracy A. Koranda, City Clerk

Dated:     *May 24, 2014*    

Dated: \_\_\_\_\_

Approved as to Form:

    *Maureen E. Riggs*      
Maureen E. Riggs, City Attorney

Council Bill/Resolution No. 1092-2016  
Sponsor: \_\_\_\_\_

A RESOLUTION

AUTHORIZING the Mayor and City Clerk to execute a contract with SAK Construction, LLC for Project #1250, 2016 Sanitary Sewer Lining, in the amount of \$83,949.00.

WHEREAS, bids were publicly read on June 14, 2016; and

WHEREAS, bids were solicited with SAK Construction, LLC submitting the lowest responsible and responsive bid; and

WHEREAS, sufficient funds are available.

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

That the Mayor and City Clerk are hereby authorized to execute a contract with SAK Construction, LLC for Project #1250, 2016 Sanitary Sewer Lining, in the amount of \$83,949.00; provided, however, that said contract is in substantially similar form and content to that attached hereto and incorporated herein by this reference thereto as Exhibit A and has been approved as to form by the City Attorney.

CITY OF MOLINE, ILLINOIS

\_\_\_\_\_  
Mayor

July 12, 2016

\_\_\_\_\_  
Date

Passed: July 12, 2016

Approved: July 19, 2016

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

Approved as to Form:

\_\_\_\_\_  
City Attorney

# CITY OF MOLINE CONTRACT

THIS AGREEMENT, made and concluded this \_\_\_\_ day of \_\_\_\_\_, A.D., 2016, between **SAK CONSTRUCTION, LLC** of **864 HOFF ROAD, O'FALLON, MO 63366**, hereinafter referred to as the "CONTRACTOR," and the CITY OF MOLINE, ILLINOIS, hereinafter referred to as the "CITY;"

WITNESSETH, that the CONTRACTOR for and in consideration of the payments to be made to it by the CITY in the amount of **EIGHTY THREE THOUSAND NINE HUNDRED FORTY NINE AND 00/100 (\$83,949.00) DOLLARS**, hereby covenants and agrees, to and with the CITY, that it shall and will in good and workmanlike manner, furnish all the labor and material for **PROJECT #1250, 2016 SANITARY SEWER LINING** as set out in the plans and specifications.

Such work to be under the direction and to the satisfaction of the City Engineer, and in accordance with the plans and specifications, which are a part of this contract. The work to be commenced not later than 10 days after the execution of this contract; to progress regularly and uninterruptedly after it shall have been begun excepting as shall otherwise be ordered by the City Council of the City of Moline (hereinafter referred to as the "City Council"), or its authorized representative, and shall be finished and fully completed within the timeframe set forth in the specifications; the time of commencement, rate of progress and time of completion being essential conditions of this contract; PROVIDED, however that if the time of the performance of the contract herein be for any reason either expressly or by implication extended, such extension shall not affect the validity of this contract.

The Contractor further agrees that the unit prices submitted are for the purpose of obtaining a gross sum, and for use in computing the value of extras and deductions; that if there is a discrepancy between the gross sum bid and that resulting from the summation of the quantities multiplied by their respective unit prices, the latter shall apply. When this contract shall be wholly carried out and

completed on the part of the Contractor, and when said work has been accepted by the City, a sum of money shall be computed by multiplying the following unit prices by the quantity of items completed, it being understood that the following total sum of money listed is for the purpose of determining the amount of the performance, labor, material and maintenance bond only. Such payment shall be made as provided for in the said specifications.

This Contract calls for the construction of a “public work” within the meaning of the Illinois Prevailing Wage Act, 820 ILCS 130/.01 et seq. (“the Act”). The Act requires contractors, subcontractors, and truckers to pay laborers, workers, and mechanics performing services on public works projects not less than the “prevailing rate of wages” (hourly cash wages plus fringe benefits) in the county where the work is performed. The prevailing wage rates for projects for the City of Moline required by Moline Special Ordinance 4031-2016 are updated monthly by the Illinois Department of Labor and may be found at:

[http://www.illinois.gov/idol/Laws-Rules/CONMED/rates/2015/june/ROCK\\_ISL.htm](http://www.illinois.gov/idol/Laws-Rules/CONMED/rates/2015/june/ROCK_ISL.htm).

All contractors, subcontractors, and truckers rendering services under this contract must comply with all requirements of the Act, including but not limited to, all wage, notice and record keeping duties. All contractors, subcontractors, and truckers shall keep an accurate record showing the names and occupations of all laborers, workers, and mechanics employed by them on this contract, and also showing the actual hourly wages paid to each of such persons and shall preserve their weekly payroll records for a period of three (3) years from the date of completion of the contract. Weekly certified payrolls shall be sent to the City Engineer.

For further information, please refer to the Illinois Department of Labor’s website at:  
<http://www.state.il.us/agency/idol>.

It is further provided that the CONTRACTOR shall upon the sealing of this contract, file with the CITY a good and sufficient bond in the penal sum of **EIGHTY THREE THOUSAND NINE HUNDRED FORTY NINE AND 00/100 (\$83,949.00) DOLLARS** conditioned upon the faithful

performance and execution of the work covered by this contract according to the complete and detailed specifications and full and complete drawings, profiles and models therefore, and according to the terms and conditions of this contract, and conditioned also that the CONTRACTOR shall pay all debts incurred by said CONTRACTOR in the prosecution of such work, including those for labor and materials furnished. The CONTRACTOR further agrees to pay liquidated damages as set forth in the specifications for failure to complete the Project by the date specified.

IN WITNESS WHEREOF, the said Parties have executed these presents on the date above mentioned.

CONTRACTOR:

CITY:

\_\_\_\_\_

CITY OF MOLINE, ILLINOIS

By: \_\_\_\_\_

By: \_\_\_\_\_

Mayor

\_\_\_\_\_

Attest: \_\_\_\_\_

City Clerk

Approved as to form:

\_\_\_\_\_

City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Performance Bond Attached

Certificate of Insurance Attached

**CITY OF MOLINE, IL BID TABULATION**

Bid Date and Time: 06/14/2016 11:00 am

Project: 1250 - 2016 Sanitary Sewer Lining

ITEM NO.	ITEM	APPROX QUANTITY	UNIT	SAK Construction, LLC		Visu-Sewer of Illinois, LLC		Hoerr Construction, Inc	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	MH 03928 to MH 03927, 8"	425	FOOT	\$25.00	\$10,625.00	\$28.60	\$12,155.00	\$30.00	\$12,750.00
2	MH 02421 to MH 02420, 8"	285	FOOT	\$25.00	\$7,125.00	\$28.60	\$8,151.00	\$32.00	\$9,120.00
3	MH 02728 to MH 03523, 8"	214	FOOT	\$25.00	\$5,350.00	\$28.60	\$6,120.40	\$32.00	\$6,848.00
4	MH 02946 to MH 03771, 12"	308	FOOT	\$36.00	\$11,088.00	\$34.90	\$10,749.20	\$36.00	\$11,088.00
5	MH 05827 to MH 05823, 10"	205	FOOT	\$26.00	\$5,330.00	\$28.60	\$5,863.00	\$28.00	\$5,740.00
6	MH 04503 to MH 04444, 12"	325	FOOT	\$36.00	\$11,700.00	\$34.90	\$11,342.50	\$36.00	\$11,700.00
7	MH 02501 to MH 02502, 10"	565	FOOT	\$26.00	\$14,690.00	\$28.60	\$16,159.00	\$28.00	\$15,820.00
8	MH 02502 to MH 02511, 10"	205	FOOT	\$26.00	\$5,330.00	\$28.60	\$5,863.00	\$28.00	\$5,740.00
9	MH 02511 to MH 01734, 10"	216	FOOT	\$26.00	\$5,616.00	\$28.60	\$6,177.60	\$28.00	\$6,048.00
10	REINSTATE SERVICES	36	EACH	\$50.00	\$1,800.00	\$75.00	\$2,700.00	\$75.00	\$2,700.00
11	PRODRUDING LATERAL REMOVAL	7	EACH	\$185.00	\$1,295.00	\$200.00	\$1,400.00	\$250.00	\$1,750.00
12	TRAFFIC CONTROL COMPLETE	1	L SUM	\$4,000.00	\$4,000.00	\$2,500.00	\$2,500.00	\$2,000.00	\$2,000.00
	<b>TOTAL</b>				<b>\$83,949.00</b>		<b>\$89,180.70</b>		<b>\$91,304.00</b>

**Insituform Technologies USA, LLC**

ITEM NO.	ITEM	APPROX QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	MH 03928 to MH 03927, 8"	425	FOOT	\$39.00	\$16,575.00		\$0.00		\$0.00
2	MH 02421 to MH 02420, 8"	285	FOOT	\$43.00	\$12,255.00		\$0.00		\$0.00
3	MH 02728 to MH 03523, 8"	214	FOOT	\$46.30	\$9,908.20		\$0.00		\$0.00
4	MH 02946 to MH 03771, 12"	308	FOOT	\$58.00	\$17,864.00		\$0.00		\$0.00
5	MH 05827 to MH 05823, 10"	205	FOOT	\$60.60	\$12,423.00		\$0.00		\$0.00
6	MH 04503 to MH 04444, 12"	325	FOOT	\$57.30	\$18,622.50		\$0.00		\$0.00
7	MH 02501 to MH 02502, 10"	565	FOOT	\$47.60	\$26,894.00		\$0.00		\$0.00
8	MH 02502 to MH 02511, 10"	205	FOOT	\$48.90	\$10,024.50		\$0.00		\$0.00
9	MH 02511 to MH 01734, 10"	216	FOOT	\$48.90	\$10,562.40		\$0.00		\$0.00
10	REINSTATE SERVICES	36	EACH	\$145.00	\$5,220.00		\$0.00		\$0.00
11	PRODRUDING LATERAL REMOVAL	7	EACH	\$558.50	\$3,909.50		\$0.00		\$0.00
12	TRAFFIC CONTROL COMPLETE	1	L SUM	\$9,329.90	\$9,329.90		\$0.00		\$0.00
	<b>TOTAL</b>				<b>\$153,588.00</b>		<b>\$0.00</b>		<b>\$0.00</b>

The above prices are "as read" and are subject to approval by the City of Moline Engineering Department.

Council Bill/Resolution No. 1093-2016

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

A RESOLUTION

AUTHORIZING the Mayor and City Clerk to accept a Permanent Utility and Drainage Easement for Project #1214, 2015 Utility Relocations along John Deere Road, on Parcel 07 7762-1 from JASPALS Illinois Seven, LLC.

WHEREAS, a Permanent Utility and Drainage Easement for Project #1214, 2015 Utility Relocations along John Deere Road, is necessary to allow work to take place on privately-owned property and to allow the City of Moline to maintain these improvements in the future; and

WHEREAS, staff recommends acceptance of said easement.

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

That the Mayor and City Clerk are hereby authorized to accept a Permanent Utility and Drainage Easement for Project #1214, 2015 Utility Relocations along John Deere Road, on Parcel 07 7762-1 from JASPALS Illinois Seven, LLC; provided, however, that said easement is in substantially similar form and content to that attached hereto and incorporated herein by this reference thereto as Exhibit A and has been approved as to form by the City Attorney.

CITY OF MOLINE, ILLINOIS

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
July 12, 2016

Date

Passed: July 12, 2016

Approved: July 19, 2016

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

Approved as to Form:

\_\_\_\_\_  
City Attorney

Project #1214  
Parcel 07 7762-1

PERMANENT UTILITY AND DRAINAGE EASEMENT  
FOR  
CITY OF MOLINE, ILLINOIS

The undersigned owner:

**JASPALS Illinois Seven, LLC**, a limited liability company organized and existing under and by virtue of the laws of the State of Wisconsin (hereinafter "Grantor"), in consideration of ONE DOLLAR and other good and valuable consideration, the consideration of which is hereby acknowledged, hereby grants to the City of Moline, Illinois, a municipal corporation ("Grantee"), the right of easement and the privilege to enter upon a portion of the tract of land commonly known as a **part of Lot 8 in Broadview Heights Addition**, Moline, Illinois, which is more particularly described in **Exhibit "A,"** attached hereto and made a part hereof by reference thereto, to do any necessary work for utility installation and maintenance, site grading and related work on said tract of land; provided that all grounds disturbed by Grantee, its agents or contractors, for any of the purposes aforesaid, within the easement or to Grantor's adjoining property, shall be restored by Grantee at Grantee's expense to the same condition as found within a reasonable time.

The above represents a permanent agreement and shall be binding upon current and future owners of said tract of land.

SIGNED AND DELIVERED this 3rd day of June, 2016.

GRANTOR(S):



**Jaspal Dhaliwal**  
**JASPALS Illinois Seven, LLC**

Prepared by and return to:  
Law Department, City of Moline, 619 – 16<sup>th</sup> Street, Moline, IL 61265

STATE OF WISCONSIN            )  
  ) SS.  
COUNTY OF OZAUKEE    )

I, Terese Kissling, the undersigned, a Notary Public, in and for said County and State, aforesaid, DO HEREBY CERTIFY that **Jaspal Dhaliwal**, personally known to me to be the **JASPALS Illinois Seven, LLC** and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day, in person and acknowledged that as such Managing Partner, he signed and delivered the said instrument as Managing Partner of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and notorial seal this 3 day of June, A.D. 2016.

(seal)

Terese Kissling  
NOTARY PUBLIC

Council Bill/General Ordinance No. 3021-2016

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

AN ORDINANCE

AMENDING Chapter 7, "ANIMALS AND FOWL," of the Moline Code of Ordinances, Sec. 7-1101, "DEFINITIONS," by enacting new subsections (5), (6), (7), (24), (31) and (36) and consecutively renumbering the remaining subsections of Sec. 7-1101; Sec. 7-1104, "LIVESTOCK AND DOMESTIC FOWL PROHIBITED IN CITY; RUNNING AT LARGE; NUISANCE," by repealing said section in its entirety and enacting in lieu thereof one new Sec. 7-1104 dealing with the same subject matter; enacting one new Sec. 7-1104A entitled "URBAN HENS;" and Sec. 7-1116, "ANIMAL CAGES, RUNS, PENS, ETC.," by repealing subsection (b)(4) in its entirety and enacting in lieu thereof one new subsection (b)(4).

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WHEREAS, the Moline Code of Ordinances currently prohibits the keeping of domestic fowl, including chickens, within the City; and

WHEREAS, per resident request and City Council directive, City staff has reviewed the possibility of amending the Code to allow residents to keep chickens on residential properties within the City so they may be used as a sustainable living option for fresh, home-raised eggs; and

WHEREAS, this ordinance will amend Chapter 7 of the Code, "ANIMALS AND FOWL," to allow the keeping of up to six hens on a property containing a one-family detached dwelling (single family residence) that meets the proper zoning requirements set forth herein; and

WHEREAS, an urban hen license issued by the City will be required before any individual may keep hens within the City and the annual license fee will be \$25.00; and

WHEREAS, the license will allow the keeping of hens only; the keeping of roosters will not be permitted; and

WHEREAS, the hens must at all times be kept in a chicken enclosure or chicken pen or fenced area located a minimum of five feet from property lines and a minimum of 25' from any adjacent residential dwelling, church, school or place of business; the chicken enclosure and chicken pen must be located on the rear or backyard of the property, or, if the rear or backyard does not meet these setback requirements, the enclosure and pen may be located in a side yard that meets the setback requirements; and

WHEREAS, this ordinance will also amend the Chapter 7 Code provision pertaining to the sale of fowl by licensed businesses.

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

**Section 1** – That Chapter 7, “ANIMALS AND FOWL,” of the Moline Code of Ordinances, Sec. 7-1101, “DEFINITIONS,” is hereby amended by enacting new subsections (5), (6), (7), (24), (31) and (36), and consecutively renumbering the remaining subsections of Sec. 7-1101 dealing with the same subject matter, which shall read as follows:

**“SEC. 7-1101. DEFINITIONS.**

As used in this chapter, the following terms shall have, unless the context indicates otherwise, the meaning ascribed to them:

\* \* \* \* \*

(5) **Chicken** shall mean a female member (hen) of the subspecies Gallus Gallus Domesticas, a domesticated fowl.

(6) **Chicken enclosure** shall mean a structure for housing and sheltering of hens. A chicken enclosure shall mean and include any chicken coop, henhouse, chicken tractor or poultry shed that is constructed and maintained pursuant to the provisions of 7-1104A(d) below.

(7) **Chicken pen** shall mean a wire-enclosed area that is attached to a chicken enclosure for the purpose of allowing hens to leave the chicken enclosure and walk or run about while remaining confined in an enclosed, predator-safe environment.

\* \* \* \* \*

(24) **Hen** shall mean a female member of the subspecies Gallus Gallus Domesticas, a domesticated fowl.

\* \* \* \* \*

(31) **One-family detached dwelling** shall mean a property or a zoned lot that has a one-family detached dwelling (single family residence) located on that property or zoned lot. See Section 7-1104A(c) below.

\* \* \* \* \*

(36) **Urban hen** shall mean a hen kept on the premises of a property pursuant to a license issued by the City under this chapter.”

\* \* \* \* \*

**Section 2** – That Chapter 7, “ANIMALS AND FOWL,” of the Moline Code of Ordinances, Sec. 7-1104, “LIVESTOCK AND DOMESTIC FOWL PROHIBITED IN CITY; RUNNING AT LARGE; NUISANCE,” is hereby amended by repealing said section in its entirety and enacting in lieu thereof one new Sec. 7-1104 dealing with the same subject matter, which shall read as follows:

**“SEC. 7-1104. LIVESTOCK AND DOMESTIC FOWL PROHIBITED  
IN CITY; RUNNING AT LARGE; NUISANCE**

(a) No person shall keep any cattle, sheep, goats, horses, mules, swine, other beasts of burden related to the foregoing, or domestic fowl of the species of geese, ducks, turkeys, guinea hens or others, at any place or upon any premises in the City, excepting that:

- (1) horses shall be permitted to be kept upon premises for which a special use has been granted by the City Council to permit a riding stable provided any and all conditions of such special use are fully complied with at all times; and
- (2) hens shall be permitted upon premises for which a license has been issued by the City pursuant to the provisions of Sec. 7-1104A below.

No person shall permit any of the above enumerated animals to run at large in the City. Any animals found within the City in violation of this section may be subject to impound by the department and disposal as provided in Article III of this chapter.

(b) In addition to any and all other legal or equitable remedies, the animals and fowl prohibited from being kept in the City or running at large in the City by subsection (a) are hereby declared to be nuisances and may be abated pursuant to the provisions of Chapter 21 of the City Code and amendments thereto.

(c) The provisions of this section shall not apply to the business premises of any duly licensed animal control facility, animal shelter or licensed veterinarian.

(d) The provisions of this section shall not apply to the premises of any duly-licensed business engaged in the sale of fowl as long as the following conditions are met:

- (1) Such fowl is not kept on the sales floor or retail area of the premises;
- (2) The purchaser of such fowl, excluding hens, must sign a form verifying that he does not reside within the city limits of the City of Moline and that he will keep the fowl outside the City’s limits and use the fowl for agricultural purposes only.  
(Ord. No. 2003-05-06; new Sec. 7-1104 (d) enacted; 05/20/03)”

**Section 3** – That Chapter 7, “ANIMALS AND FOWL,” of the Moline Code of Ordinances, is hereby amended by enacting one new Sec. 7-1104A entitled “URBAN HENS,” which shall read as follows:

**“SEC. 7-1104A. URBAN HENS.**

(a) **License required.**

- (1) No person shall own, raise, harbor or keep any hens within the City without having first obtained a valid urban hen license from the City’s accounts and finance officer or his designee pursuant to the provisions of this section. The license shall be subject to the terms and conditions of this section and any additional conditions deemed necessary by the City Council to protect the public health, safety and welfare.
- (2) **License Application.** Any person desiring to own, raise, harbor or keep hens within the City shall submit a written license application on a form provided by the City’s accounts and finance officer or his designee. Such application shall include the applicant’s name, address, telephone number and email address (if applicable), the number of hens to be kept on the premises address, and the

applicant's signature certifying the validity of the information provided therein and agreement to keep the hens in compliance with the provisions of this section and all related City ordinances.

(3) Licensing Requirements. The requirements for issuance of a license include the following.

- a. Fee: the fee to obtain a license is twenty-five dollars (\$25.00). The license shall expire July 31 of each year and shall be renewed before August 1 of each year.
- b. Any and all judgments in the City's favor and against the property owner of the premises have been paid in full, and in the event the applicant is a tenant or leaseholder of the premises, any and all judgments in the City's favor and against said applicant have been paid in full.
- c. The premises to be licensed shall be zoned as and contain only a one-family detached dwelling, occupied and used as such by the licensee.
- d. The applicant has successfully completed an approved class in raising hens in an urban setting. The accounts and finance officer or his designee shall maintain a current list of such approved classes.

If the accounts and finance officer or his designee finds that all licensing requirements have been met, the officer shall issue the license to the applicant.

(4) Licensing Regulations. The following licensing regulations shall be additional requirements of the licensee.

- a. Renewal. The annual renewal fee for a license is twenty-five dollars (\$25.00). If the license is not renewed before August 1 of the expiration year, the owner or occupant of the premises for which the license was issued shall remove the hens from the City within thirty (30) days of the license expiration.
- b. Non-commercial use only. Issuance of a license shall not allow the licensee to engage in hen breeding, egg production, fertilizer production, sales, display, or other related activity for commercial purposes.
- c. Non-transferable. No license issued pursuant to this section shall be transferable from one person to another or from one premises to another.
- d. The licensee shall keep the license on the licensed premises and provide proof of same upon request by any officer of the City.

(5) Denial, suspension, revocation, non-renewal. The accounts and finance officer or his designee may deny, suspend, revoke or decline to renew any issued license for any of the following reasons.

- a. False statements on any application or in response to requests for information by the City.
- b. Failure to pay any application, penalty, re-inspection or renewal fee required by this section.
- c. Failure to comply with any notice of violation issued by the City pursuant to this section within the time specified therein.
- d. Failure to comply with any provisions of this section.

Notice of denial, suspension, revocation or non-renewal of a license shall be in writing, be delivered by certified mail, return receipt requested, or by personal service on the license holder or other resident at the address provided on the application, and state the reason or reasons for said action.

(6) Effect of denial or revocation.

- a. If a license is either denied or revoked, the applicant may not re-apply for a new license for a period of one (1) year from the date of the denial or revocation.
- b. If the license is revoked, the owner or occupant of the premises for which the license was issued shall remove the hens from the City within thirty (30) days of the license revocation.

(7) Appeals. The license shall stand denied or revoked unless within five (5) working days after denial or receipt of the notice of revocation from the accounts and finance officer or his designee, the license applicant or holder files a written request for a public hearing on the accounts and finance officer's or designee's action. Public hearing shall be conducted before the city administrator or his designee on whether a license should be denied, reinstated or revoked, as the case may be. The city administrator or his designee may order the license issued or reinstated either conditionally or unconditionally, or revoke the license. Ten (10) days notice of the time and place of the public hearing shall be given to the license holder, who shall have an opportunity to appear before the city administrator or his designee and present any evidence or arguments the license holder may have as to why the action taken by the accounts and finance officer or his designee should not be approved by the city administrator or his designee.

(b) **Number and type of hens allowed.** No more than six (6) hens shall be allowed on any licensed premises. Roosters (male chickens) are prohibited.

(c) **Zoning; One-Family Detached Dwellings.**

(1) The keeping of hens shall be restricted to properties zoned as one-family detached dwellings (single family residences) as defined by Chapter 35 of the City Code, Sec. 35-3405(a), which states, in part: "a dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit; this dwelling unit type consists of a fully detached single-family residence which is located on an individual lot or within a group development; this dwelling unit may not be split into two or more residences."

(2) The provisions of this Sec. 7-1104A shall supersede any conflicting provisions of Chapter 35, "Zoning and Land Development," of the City Code, including Sec. 35-3406(f), "Husbandry."

(d) **Enclosures; confinement.** Chicken enclosures and chicken pens shall be designed, constructed and well maintained to provide safe and healthy living conditions for the hens while minimizing adverse impacts to other residents in the neighborhood.

(1) Hens must be kept in a chicken enclosure, chicken pen, or fenced area at all times. Hens shall be secured within a chicken enclosure during non-daylight hours.

(2) Chicken enclosures and chickens pens shall be located in the rear yard of a premises only, as defined by Chapter 35 of the City Code, Sec. 35-1203(385), "yard, rear." Or, if no rear yard meets the setback requirements of subsection (d)(3) below, then chicken enclosures and chicken pens may be located in a side yard, as defined by Chapter 35 of the City Code, Sec. 35-1203(387), "yard, side," as long as the setbacks in subsection (d)(3) below are met.

- (3) The minimum setback for placement shall be five (5) feet from the premises property lines and twenty-five (25) feet from any residential dwelling, church, school or place of business.
- (4) Chicken enclosures shall meet the following standards:
  - a. a minimum of four (4) square feet per hen;
  - b. be constructed of wood or other similar materials and enclosed on all sides with a roof, door(s) and secure latching mechanisms for any doors or windows;
  - c. include predator/bird proof wire of less than one (1) inch openings for any doors or windows;
  - d. provide adequate ventilation and protection from the elements;
  - e. contain an independent electric/heat source without the use of extension cords;
  - f. be resistant to rodents and predators, including dogs and cats.
- (5) Chicken pens shall meet the following guidelines:
  - a. be fully enclosed with a roof and be covered with predator/bird proof wire or aviary netting;
  - b. be resistant to rodents and predators, including dogs and cats.
- (6) The materials used in making chicken enclosures and chicken pens shall be uniform for each element of the structure such that the walls are made of the same material, the roof(s) has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited.
- (7) A City building permit is not required unless the total size of the chicken enclosure will exceed 120 square feet, thereby meeting the definition of a major accessory structure as defined in Sec. 35-3201(b) of the City Code.
- (e) **Odor and noise impacts.**
  - (1) Odors from hens, hen manure or other hen related substances shall not be perceptible beyond the boundaries of the licensed premises. Chicken enclosures and chicken pens shall be kept in a clean, neat and sanitary condition. Any accumulation of waste, uneaten or discarded feed, and fallen feathers shall be collected and discarded in a sanitary manner and with such frequency as is necessary to ensure that related odors are not detectable from adjacent properties and that any such accumulation does not constitute a nuisance as defined in Sec. 7-1112(b), "Animal Waste on Private Property," and/or Sec. 21-1100, "Nuisances in General; Definitions," of the City Code. Cleaning of chicken enclosures and chicken pens shall be done in such a manner which prevents any animal waste runoff onto public right-of-way and which complies with the provisions set forth in the City's Stormwater Utility Ordinance, Chapter 34 of the City Code.
  - (2) Noise from hens shall not be loud enough beyond the property lines of the licensed premises on which hens are kept so as to disturb the public peace and quiet.
- (f) **Feed and water.** Hens shall be provided with access to feed and clean water at all times. Feed must be stored in secure containers and in a secure location until it is placed for consumption by the hens. Feed must be stored in a manner so that it is not available to rodents, wild birds, predators or other pests.
- (g) **Waste storage and removal.**
  - (1) Any manure that is kept on the licensed premises for compost and fertilizer use must be stored in a secure enclosed container or area to ensure that it is not visible from adjacent properties, that related odors are not detectable from adjacent properties, and that any such accumulation does not

constitute a nuisance as defined in Sec. 7-1112(b) and/or Sec. 21-1100 of the City Code. All other manure not used for composting or fertilizing shall be removed.

- (2) No more than three (3) cubic feet of manure shall be stored on the licensed premises.
- (3) See also subsection (e)(1) above.
- (h) **Hens at large.** The licensee shall not allow the licensee’s hens to roam off the licensed premises.
- (i) **Unlawful acts.**
  - (1) It shall be unlawful for any person to own, raise, harbor or keep hens in violation of any provision of this chapter or any other provision of the City Code.
  - (2) No person shall keep hens inside a one-family detached dwelling unit, multi-family dwelling unit(s) or rental unit.
  - (3) No person shall keep hens on a vacant or uninhabited property within the City of Moline.
  - (4) No person shall keep a rooster within the City of Moline.
  - (5) No person shall slaughter any hen or rooster within the City of Moline.
  - (6) Should a dog or cat or other domesticated animal kill a hen on or off the licensed premises, said animal shall not be considered a dangerous or aggressive animal for that reason alone, and said action will not be cause for the City to enforce its animal control provisions.
- (j) **Nuisance violation.**
  - (1) Any violation of the terms of this chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property shall constitute a nuisance and may be abated under the general nuisance abatement provisions of the City Code. Penalty for violation of any part of this section shall be as provided in Sec. 1-1107 of the Code.
  - (2) Should the City order abatement of the hens from the licensed premises as a result of a nuisance violation, neither the City of Moline nor the County of Rock Island shall be responsible for removal, temporary keeping or relocating of the hens.”

**Section 4** – That Chapter 7, “ANIMALS AND FOWL,” of the Moline Code of Ordinances, Sec. 7-1116, “ANIMAL CAGES, RUNS, PENS, ETC.,” is hereby amended by repealing subsection (b)(4) in its entirety and enacting in lieu thereof one new subsection (b)(4) dealing with the same subject matter, which shall read as follows:

\* \* \* \* \*

“(b) **Construction requirements.** Each cage, enclosure, pen, run, shed or other structure used to harbor an animal hereafter erected, repaired or reconstructed shall meet the following requirements:

\* \* \* \* \*

“(4) Outdoor bird cages: The owner or keeper of pigeons and other outdoor birds, with the exception of hens, shall provide a cage, enclosure, pen or other structure located at least three (3) feet off the ground, and which shall be constructed in a manner to assure the protection of the birds from the elements, including weatherproof sides and roof, and shall be placed in such location or be

protected to prevent the elements from injuring the birds' health. The keeping of hens shall be allowed pursuant to Sec. 7-1104A above, and the requirements of construction and maintenance of chicken enclosures and chickens pens shall be pursuant to Sec. 7-1104A(d).”

**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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Passed: \_\_\_\_\_

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_

City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney