

Council Bill/General Ordinance No. 3008-2021

Sponsor: _____

AN ORDINANCE

AMENDING Chapter 3, "ADVERTISING AND SIGNS," Sections 3-1103 and 3-1104; and Chapter 20, "MOTOR VEHICLES AND TRAFFIC," Section 20-6109, of the Moline Code of Ordinances, regarding pedestrian and vehicular traffic.

WHEREAS, the City of Moline ("City") is a home rule municipality located in Rock Island County, Illinois; and

WHEREAS, no person shall stand on a highway to solicit contributions from the occupant of any vehicle except within a municipality when expressly permitted by municipal ordinance under certain statutory conditions (625 ILCS 5/11-1006); and

WHEREAS, subject to the Illinois Vehicle Code (625 ILCS 5/*et seq.*), the City is authorized to regulate traffic upon the streets, sidewalks, public places, and City property, and to prevent and remove encroachments and obstructions (625 ILCS 5/11-208; 65 ILCS 5/11-80-1, 11-80-2, 11-80-3); and

WHEREAS, the City may prohibit pedestrian crossings at other than designated and marked crosswalks or at intersections, and the City may adopt additional traffic regulations which are not in conflict with the provisions of Chapter 11 "RULES OF THE ROAD," with posted signs giving reasonable notice (625 ILCS 5/11-207; 625 ILCS 5/11-208(a)(12)); and

WHEREAS, the City hereby desires to amend the City of Moline Code of Ordinances to promote the general health, safety, and welfare of City residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Moline, Rock Island County, Illinois as follows:

Section 1: The forgoing recitals are hereby incorporated into this Ordinance herein as findings of the corporate authorities of the City of Moline.

Section 2: The following changes are hereby made to Section 3-1103 of the City of Moline Code of Ordinances (additions in **bold and underlined** and deletions in **~~bold and struck through~~**):

SEC. 3-1103. **THROWING DISTRIBUTING** HANDBILLS;
~~BROADCAST~~ IN PUBLIC PLACES PROHIBITED.

Except as provided in Section 20-6109 of this Code, It shall be unlawful for any person to deposit, place, throw, scatter, ~~or~~ cast, **sell or otherwise distribute**

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any ~~commercial or non-commercial~~ handbill in, on, or around ~~or upon~~ any sidewalk, way, place or public places within the City in a manner that completely or substantially impedes the flow of pedestrian or vehicular traffic. ~~and it shall be also unlawful for any person to hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful for any person to hand out or distribute without charge to the receiver thereof any non-commercial handbill in any public place to any person willing to accept such non-commercial handbill.~~

Section 3: The following changes are hereby made to Section 3-1104 of the City of Moline Code of Ordinances (additions in **bold and underlined** and deletions in ~~bold and struck through~~):

SEC. 3-1104. PLACING **HANDBILLS** IN VEHICLES ~~COMMERCIAL AND NON-COMMERCIAL HANDBILLS.~~

Except as provided in Section 20-6109 of this Code, ~~It~~ shall be unlawful for any person to distribute, deposit, place, throw, scatter, or cast any ~~commercial or non-commercial~~ handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit handing, transmitting, or distributing of any ~~non-commercial~~ handbill to ~~the owner or other occupant of any automobile or other vehicle~~ **a person** who is willing to accept the same **in a manner that does not completely or substantially impede the flow of pedestrian or vehicular traffic.**

Section 4: Section 20-6102 of the City of Moline Code of Ordinances is hereby repealed and replaced with the following:

SEC. 20-6102. CROSSING AT OTHER THAN CROSSWALKS.

(a) Pedestrian crossings at other than designated and marked crosswalks or at intersections are prohibited.

(b) Notwithstanding other provisions of the Illinois Vehicle Code or the provisions of any City ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian, or any person operating a bicycle or other device propelled by human power and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.

Section 5: Section 20-6109 is hereby added to the City of Moline Code of Ordinances (additions in **bold and underlined**):

SEC. 20-6109. IMPEDING PEDESTRIAN OR VEHICULAR TRAFFIC

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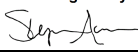
No person shall completely or substantially impede the flow of pedestrian or vehicular traffic in, on, or around any sidewalk or public property, way, or place. No person shall have the exclusive right to any sidewalk or public property, way, or place, nor the right to establish a stationary location therein without a license agreement, right-of-way permit, or other applicable City approval.

Section 6: All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give effect to the provisions of this Ordinance.

Section 7: This Ordinance and every provision thereof shall be considered severable. If any word, phrase, clause, sentence, paragraph, provision, section, or part of this Ordinance is found to be void, unconstitutional, or otherwise unenforceable, all remaining portions of this Ordinance not so declared void, unconstitutional, or unenforceable shall remain in full force and effect.

Section 8: This Ordinance will be in full force and effect upon passage, approval and publication in pamphlet form in the manner provided by law.

CITY OF MOLINE, ILLINOIS

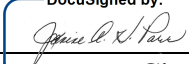
DocuSigned by:


Mayor 1A0D2384B96B41C7...

April 20, 2021
Date

Passed: April 20, 2021

Approved: April 27, 2021

Attest: 

1A0D2384B96B41C7
City Clerk