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- (1) Knows or learns the identity of the owner, or knows, or is aware of, or learns of, a reasonable method of identifying the owner; and
- (2) Fails to take reasonable measures to restore the property to the owner; and
- (3) Intends to deprive the owner permanently of the property; or knowingly uses, conceals, or abandons the property in such a manner as to deprive the owner permanently of such use or benefit; or uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner permanently of such use or benefit.

(c) **Penalty.** A person convicted of the offense of theft of lost or mislaid property shall be punished by a fine of not less than twenty-five dollars (\$25.00) plus court costs, and not more than seven hundred fifty dollars (\$750.00) plus court costs. (Ord. No. 2000-06-02; new Sec. 22-3108, "THEFT OR LOST OR MISLAID PROPERTY" enacted; 06/06/00)

ARTICLE IV. WEAPONS

SEC. 22-4100. UNLAWFUL USE OF WEAPONS.

A person commits the offense of unlawful use of weapons when said person knowingly:

- (1) Sells, manufactures, purchases, possesses or carries any air gun, spring-loaded gun, bludgeon, blackjack, slungshot, slingshot, sand-club, sandbag, metal knuckles, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife; or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas; or (Ord. No. 94-7-7; §22-4100(a) repealed; new §22-4100(a) enacted; 07/19/94)
- (2) Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser, or any other dangerous or deadly weapon or instrument of like character; or
- (3) Carries on or about said person's body or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person eighteen (18) years of age or older; or
- (4) Carries concealed in any vehicle or concealed on or about said person's body except when on said person's land or in said person's own abode or fixed place of business any pistol, revolver, stun gun or taser, or other firearm; or
- (5) Sets a spring gun; or
- (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or
- (7) Sells, manufactures, purchases, possesses or carries:
 - a. any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device; or
 - b. a machine gun, which shall be defined for the purposes of this subsection as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more

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- than one (1) shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person; or
- c. any rifle having one (1) or more barrels less than sixteen (16) inches in length or a shotgun having one (1) or more barrels less than eighteen (18) inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than twenty-six (26) inches; or
- d. any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter (1/4) ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; or
- (8) Carries or possesses any firearm, stun gun or taser, or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted; or
- (9) Carries or possesses in a vehicle or on or about his person any pistol, revolver, stun gun or taser, firearm, or ballistic knife, when he is hooded, robed or masked in such manner as to conceal his identity.
- (10) Carries or possesses on or about his person, upon any public street, alley, or other public lands within the City limits, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm;
A "stun gun or taser," as used in the paragraph, means 1) any device which is powered by electrical charging units, such as, batteries, and which fires one (1) or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning or 2) any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or
- (11) Sells, manufactures or purchases any explosive bullet. For purposes of this paragraph, "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh or a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.
- (12) Carries or possesses any type of knife, razor blade or box cutter, other than those that are possessed or carried for use in furtherance of a school-sanctioned activity, in or on any school building or property, including buildings or property used for extracurricular activities, administration, or education.
- (13) **Exception.** The possession and transportation of paintball markers, also known as paintball guns, is allowed in the City, as long as the following requirements are met:
- (a) The paintball marker/gun is not loaded, and the hopper, which holds the paintballs, is removed from the paintball marker/gun;
- (b) The barrel plug is in place;

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- (c) The propellant (i.e., CO₂, compressed air or other propellant) is removed from the paintball marker/gun;
- (d) The paintball marker/gun, and any and all accessories, is enclosed in a carrying case or other storage device at all times except when being used at a City-approved facility specifically designed for paintball marker/gun use.
- (e) If transporting the paintball marker/gun, the marker/gun and any and all accessories must be stored outside the passenger compartment (i.e., in the trunk) of any vehicle.

If any one of these requirements is not met, a person commits the offense of unlawful use of weapons, unless the paintball marker/gun is being used at a City-approved paintball facility for the purpose for which it is intended.

- (14) **Penalty.** Any person violating Section 22-4100, as a first offense, shall be subject to a mandatory fine of not less than one hundred dollars (\$100.00) plus court costs, nor more than seven hundred fifty dollars (\$750.00) plus court costs. Any person violating Section 22-4100, as a second offense, shall be subject to a mandatory fine of not less than two hundred dollars (\$200.00) plus court costs, nor more than seven hundred fifty dollars (\$750.00) plus court costs. Any person violating Section 22-4100 as a third or subsequent offense, shall be subject to a mandatory fine of not less than three hundred dollars (\$300.00) plus court costs, nor more than seven hundred fifty dollars (\$750.00) plus court costs. (Ord. No. 3018-2007; Sec. 22-4100(12) repealed; new Sec. 22-4100(12) and (13) enacted; 05/08/07; Ord. No. 3030-2008; Sec. 22-4100(12) and (13) repealed; new Sec. 22-4100(12), (13), (14) enacted; 04/01/08)

SEC. 22-4101. UNLAWFUL SALE OF FIREARMS.

- (a) A person commits the offense of unlawful sale of firearms when said person knowingly:
 - (1) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or
 - (2) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or
 - (3) Sells or gives any firearm to any narcotic addict; or
 - (4) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this state or any other jurisdiction; or
 - (5) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or
 - (6) Sells or gives any firearm to any person who is mentally retarded; or
 - (7) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made. However, this subsection shall not apply to:
 - a. The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to such person's employment as a bank guard, armed truck guard, or other similar employment; or

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- b. A mail order sale of a firearm to a nonresident of the state under which the firearm is mailed to a point outside the boundaries of the state; or
- c. The sale of a firearm to a nonresident of the state while at a showing or display recognized by the state department of public safety; or
- d. The sale of a firearm when another firearm is traded-in for the firearm purchased, in whole or in part; or
- e. The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

(b) **Penalty.** Any person violating Section 22-4101, as a first offense, shall be subject to a mandatory fine of not less than one hundred dollars (\$100.00) plus court costs, nor more than seven hundred fifty dollars (\$750.00) plus court costs. Any person violating Section 22-4101, as a second offense, shall be subject to a mandatory fine of not less than two hundred dollars (\$200.00) plus court costs, nor more than seven hundred fifty dollars (\$750.00) plus court costs. Any person violating Section 22-4101, as a third or subsequent offense, shall be subject to a mandatory fine of seven hundred fifty dollars (\$750.00) plus court costs. (Ord. No. 2002-08-11; Sec. 22-4101 repealed; new Sec. 22-4101 enacted; 09/10/02)

SEC. 22-4102. CONFISCATION AND DISPOSITION OF WEAPONS.

(a) Upon conviction of a violation of this article, any weapon seized shall be confiscated by the trial court.

(b) Any stolen weapon so confiscated, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession if known. All other confiscated weapons when no longer needed for evidentiary purposes, shall be preserved as property of the City.

SEC. 22-4103. DISCHARGE OF WEAPONS.

(a) It shall be unlawful for any person to discharge any firearm, bow and arrow, spring-loaded gun or any other weapons not designated in Section 22-4103(b), in the City.

(b) It shall be unlawful for any person to discharge any sling, slingshot, air gun, or any other weapons not designated in Section 22-4103(a), in the City.

(c) The provisions of subsections (a) and (b) shall not apply to the following:

(1) To a peace officer in the performance of an official duty;

(2) To law enforcement personnel and other individuals receiving training, practicing or in competition on a firearms range, either public or private, approved by the City Council.

(d) It shall be unlawful for any person to discharge any paintball marker, also known as a paintball gun, in the City, unless said paintball marker/gun is discharged at a field or facility specifically designed for holding paintball events and approved by the City.

(e) **Penalty.**

(1) Any person violating Section 22-4103(a), as a first offense, shall be subject to a mandatory fine of not less than one hundred dollars (\$100.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs. Any person violating Section 22-4103(a), as a second offense, shall be subject to a mandatory fine of not less than two hundred dollars (\$200.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs. Any person violating Section 22-4103(a) as a third or subsequent offense, shall be subject to a mandatory fine of not less than three hundred

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dollars (\$300.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs.

- (2) Any person violating Section 22-4103(b), as a first offense, shall be subject to a mandatory fine of not less than fifty dollars (\$50.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs. Any person violating Section 22-4103(b), as a second offense, shall be subject to a mandatory fine of not less than one hundred dollars (\$100.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs. Any person violating Section 22-4103(b) as a third or subsequent offense, shall be subject to a mandatory fine of not less than two hundred dollars (\$200.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs. (Ord. No. 3018-2007; Sec. 22-4103(d) repealed; new Sec. 22-4103(d) and (e) enacted; 05/08/07)

ARTICLE V. GAMBLING

(Ord. No. 3019-2012; Art. V. repealed; new Art. V. enacted, 07/17/12; see separate subsections for prior amendment references)

SEC. 22-5100. DEFINITIONS.

As used in this article, the following terms shall have the meanings ascribed to them:

- (1) **Gambling device** is any clock, tape machine, slot machine or other machines or device for the reception of money or other thing of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won or lost or any mechanism, furniture, fixture, equipment or other device designed primarily for use in a gambling place. A "gambling device" includes, but is not limited to, any simulated video gaming device such as a video poker machine, video or mechanical slot machine, video or mechanical bingo machine, or other device which involves any game of chance or amusement based upon poker, blackjack, dog racing, or horse racing, craps, any card or dice game, or any similar device operated by means of the insertion of a coin, token, slug currency, or similar object. A "gambling device" does not include:
- a. Authorized video gaming terminals as defined in the Illinois Video Gaming Act, 230 ILCS 40/1 et seq.;
 - b. Any of the following, as more specifically defined in 720 ILCS 5/28-2(a)(1) through (a)(5):
 - i. A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property or other thing of value or the right to receive money or property or other thing of value;
 - ii. Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard;
 - iii. Crane games;
 - iv. Redemption machines; or
 - v. Internet computer service or system.
- (2) **Lottery** is any scheme or procedure whereby one (1) or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win the prizes, whether the scheme or procedure is called a lottery, raffle, gift, sale or some other name.

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at such a course shall be the responsibility of the parent/guardian. If parent/guardian provides proof of completion to the chief of police, the chief of police shall have the authority to waive any such citation or fine for the first offense.

(f) Upon the second offense of a violation of this ordinance, the parent/guardian shall be subject to a fine of not less than one hundred dollars (\$100.00), nor more than seven hundred fifty dollars (\$750.00) and, in addition, shall be sentenced to probation with the condition that the parent/guardian participate in, through completion, a City approved, community based treatment program (such as parenting skills, family services, employment and training, etc.).

(g) Upon the third or subsequent offense of a violation of this ordinance, the parent/guardian shall be subject to a fine of not less than two hundred dollars (\$200.00), nor more than seven hundred fifty dollars (\$750.00).

SEC. 22-1304. NOTIFICATION OF PARENTS; RECORD OF NOTIFICATION.

(a) Whenever a minor is apprehended or detained for a delinquent or reckless act, the parent or legal guardian shall receive written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a certificate of personal service returned, from the police department of the City of Moline following said adjudication or nonjudicial sanction; and

(b) A record of such notification shall be maintained by the Records Division of the Moline Police Department.

SEC. 22-1305. LIABILITY OF PARENTS; RECORD OF NOTIFICATION.

(a) **Injuring or destroying property or acts of vandalism.** It shall be unlawful for any person to willfully or maliciously break, deface, injure or destroy any property within the City of Moline, whether such property is owned by the state, county, City or any other governmental body, or owned by any private person. It shall be a violation of this section for any person to commit an act of vandalism.

(b) **Liable for actual damages.** The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian is liable for actual damages for the willful or malicious acts of such minor which cause injury to a person or property.

(c) **Recovery.** No recovery under this section may exceed one thousand dollars (\$1,000.00) actual damages for each person or legal entity for each occurrence of such willful or malicious acts by the minor causing injury, in addition to taxable court costs. In determining the damages to be allowed in an action under this article for personal injury, only medical, dental and hospital expenses may be recovered.

(d) **Other liability.** This article shall not affect the recovery of damages in any other cause of action where the liability of the parent or legal guardian is predicated on a common law or statutory basis.
(Ord. No. 97-1-4; new Div. 3 of Article I enacted; 01/21/97)

DIVISION 4. MOTOR VEHICLE RESPONSIBILITIES

SEC. 22-1400. CAR OWNER RESPONSIBILITY ASSIGNMENT.

This ordinance is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the City of Moline, and is intended to address a public nuisance created by individuals operating motor vehicles upon the streets and highways of this City.

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SEC. 22-1401. PUBLIC NUISANCE.

(a) A motor vehicle that is used in the violation of any of the provisions contained in this section shall be declared a public nuisance and be subject to the following described lengths of impoundment and the driver or person in possession of such vehicle shall also be liable to the City for the following described fines. The owner of record of such vehicle shall also be liable to the City for an administrative fee of two hundred fifty dollars (\$250.00) in addition to fees for the towing and storage of the vehicle.

- (1) Driving or otherwise being in possession of a motor vehicle while the sound emanating from such vehicle's radio or other type of sound system can be heard from a distance of seventy-five (75) or more feet from the vehicle (Illinois Vehicle Code 625 ILCS 5/12-611 or Sec. 20-4120, "SOUND AMPLIFICATION REGULATION," of the Moline Code of Ordinances) if the driver or person otherwise in possession of the motor vehicle has previously been charged with violating the SOUND AMPLIFICATION REGULATION.
- (2) The driver or any other person in possession of a motor vehicle is then truant from school if the driver or person otherwise in possession of the motor vehicle has previously been charged with truancy while driving or in possession of said vehicle.
- (3) The driver or any other person in possession of a motor vehicle while being twenty (20) years of age or younger is in possession of alcohol whether by physical possession or consumption.
- (4) The driver or any other person in possession of a motor vehicle is then in violation of any state or City curfew statute or ordinance.
- (5) The driver or any other person in possession of a motor vehicle is in possession of any amount of cannabis.
- (6) The driver or any other person in possession of a motor vehicle is in possession of any controlled substance as defined by the Illinois Criminal Code, as amended.
- (7) The driver or any other person in possession of a motor vehicle is in possession of a handgun.
- (8) The driver or any other person in possession of a motor vehicle is in possession of a firearm and/or ammunition for a firearm, other than a handgun, and does not have a currently valid Firearms Owner Identification Card on his or her person.
- (9) The discharge of a firearm from a motor vehicle has occurred or the motor vehicle has been used to flee the scene where a firearm has been discharged.
- (10) The motor vehicle has been used in or for the fleeing from the commission of criminal gang activity as defined in and by the ILLINOIS STREETGANG TERRORISM OMNIBUS PREVENTION ACT, 740 ILCS 147/10.
- (11) The windows of the motor vehicle are obstructed in violation of the Illinois Vehicle Code 625 ILCS 5/12-503 (a) and (b).

(b) The driver or other person in possession of the motor vehicle shall be arrested or cited for the violation(s) of state statute(s) or City ordinance(s), as indicated in Sec. 22-1401(a)(1-11), as appropriate. (Ord. No. 2003-11-08; Sec. 22-1401 repealed; new Sec. 22-1401 enacted; 11/18/03)

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SEC. 22-1402. LENGTH OF IMPOUNDMENT.

(a) Whenever a vehicle is used in violation of Sec. 22-1401(a), the lengths of impoundment of a motor vehicle and penalty imposed for a violation of this ordinance are:

- (1) Violation of Sections 22-1401(a)(1) or 22-1401(a)(11), motor vehicle impounded for three (3) days and a fine of one hundred dollars (\$100.00).
- (2) Violation of Sections 22-1401(a)(2) or 22-1401(a)(4), motor vehicle impounded for seven (7) days and a fine of one hundred fifty dollars (\$150.00).
- (3) Violation of Section 22-1401(a)(3), motor vehicle impounded for fourteen (14) days and a fine of two hundred dollars (\$200.00).
- (4) Violation of Section 22-1401(a)(5), motor vehicle impounded for twenty (20) days and a fine of two hundred fifty dollars (\$250.00).
- (5) Violation of Sections 22-1401(a)(7), 22-1401(a)(8), 22-1401(a)(9) or 22-1401(a)(10), motor vehicle impounded for thirty (30) days and a fine of three hundred dollars (\$300.00).
- (6) Violation of Section 22-1401(a)(6), motor vehicle impounded for thirty (30) days and a fine of five hundred dollars (\$500.00).

SEC. 22-1403. FINES AND SUBSEQUENT VIOLATIONS.

All lengths of impoundment and fines imposed shall double upon any subsequent violation of this ordinance, to a maximum of seven hundred fifty dollars (\$750.00), plus court costs.

SEC. 22-1404. SEIZURE, IMPOUNDMENT AND HEARINGS REQUEST.

Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, and the owner of said vehicle of the fact of the seizure and of the vehicle owner's right to post a cash bond, as indicated in Sec. 22-1409(a)(1) through (6), to retrieve possession of their vehicle pending a hearing to be held by the City's code hearing officer. (Ord. No. 2003-11-08; Sec. 22-1404 repealed; new Sec. 22-1404 enacted; 11/18/03)

SEC. 22-1405. RESERVED FOR FUTURE USE.

(Ord. No. 2003-11-08; Sec. 22-1405 "Preliminary Hearing Procedure" repealed in its entirety and reserved for future use; 11/18/03)

SEC. 22-1406. FINAL HEARING AND NOTIFICATION.

(a) Within ten (10) days after a vehicle is impounded pursuant to the section, the City shall notify by certified mail, return receipt requested, the owner of record of the date, time and location of a hearing that will be conducted pursuant to this section.

(b) The hearing shall be scheduled and held, unless continued by order of the City's code hearing officer, no later than thirty (30) days after the vehicle was impounded. All interested persons shall be given a reasonable opportunity to be heard at the hearing. If, after the hearing, the City's code hearing officer determines by a preponderance of the evidence that the vehicle was used with the permission, express or implied, of the owner, the City's code hearing officer shall enter an order requiring the vehicle to continue to be impounded for the applicable length of time provided for under Sec. 22-1402 and until the owner pays the applicable fees imposed under Sec. 22-1402, plus fees for towing and storage of the vehicle and fines, if any, assessed by the City's code hearing officer. If

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the City's code hearing officer determines that the vehicle was used without the permission, express or implied, of the owner, the vehicle or cash bond will be returned without penalty or other fees.

(c) In the event the defendant wishes to appeal the decision of the City's code hearing officer under the provisions of the Administrative Review Act, said defendant shall pay the cost of the preparation and transcription of the record of the hearing and shall appeal to the circuit court.

(d) The penalty and fees shall be a debt due and owed to the City. However, if a cash bond has been posted, the bond shall be applied to any such penalty and fees. If a bond has been posted and the owner has possession of the vehicle, the fees imposed shall be in accordance with Sec. 22-1402, regardless if the vehicle was actually held for the time period specified in Section 22-1402.

(e) Notwithstanding any other provisions of this section, whenever a person with a lien of record against a vehicle impounded under this section has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he or she agrees in writing to refund to the City the net proceeds of any foreclosure sale, less any amounts necessary to pay all lienholders of record, up to the total amount of penalties and fees imposed under this division. (Ord. No. 2003-11-08; Sec. 22-1406 repealed; new Sec. 22-1406 enacted; 11/18/03)

SEC. 22-1407. UNCLAIMED VEHICLES.

Any motor vehicle that is not reclaimed within thirty (30) days after the expiration of the time during which the owner of record may seek judicial review of the City's action under this section, or the time at which a final judgment is rendered in favor of the City, or the time a final administrative decision is rendered against an owner of record who is in default, may be disposed of as an unclaimed vehicle as provided by law. As used in this ordinance, the "owner of record" of a vehicle means the record title holder.

SEC. 22-1408. FEES AND STORAGE.

Fees for towing and storage of a vehicle under this ordinance shall be the same as those charged per the contract for towing service with the City in effect at the time of same violation.

SEC. 22-1409. BONDING PROCEDURE.

(a) Whenever the owner of a vehicle seized pursuant to this section wishes to retrieve their vehicle prior to the evidentiary hearing specified in Sec. 22-1406, they may do so by posting a cash bond at police headquarters in the amount indicated herein. Once the bond has been posted the vehicle shall be released without charge until an evidentiary hearing is held by the City's code hearing officer.

(1) Violation of Sections 22-1401(a)(1) or 22-1401(a)(11), bond of one hundred forty-five dollars (\$145.00).

(2) Violation of Sections 22-1401(a)(2) or 22-1401(a)(4), bond of two hundred fifteen dollars (\$215.00).

(3) Violation of Section 22-1401(a)(3), bond of three hundred dollars (\$300.00).

(4) Violation of Section 22-1401(a)(5), bond of three hundred eighty dollars (\$380.00).

(5) Violation of Sections 22-1401(a)(7), or 22-1401(a)(8), or 22-1401(a)(9), or 22-1401(10), bond of four hundred eighty dollars (\$480.00).

(6) Violation of Section 22-1401(a)(6), bond of six hundred eighty dollars (\$680.00).

(Ord. No. 2003-11-08; Sec. 22-1409 repealed; new Sec. 22-1409 enacted; 11/18/03)

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SEC. 22-1410. AUTHORITY TO IMPOUND FLEEING VEHICLES.

(a) A motor vehicle involved in an unlawful attempt to flee or elude police officers shall be subject to impoundment under the procedures of this section.

(b) A police officer shall, if possible, record the vehicle make and color and the issuing state and number of the license plate of a vehicle that the officer has attempted to stop through use of the emergency signal equipment on the officer's vehicle. If the operator of the other vehicle fails or refuses to stop, and if the police officer forgoes or abandons pursuit of the other vehicle for reasons of public safety, the officer shall report the recorded information as directed by the chief of police for delivery to the appropriate City departments responsible for impoundment and towing of vehicles.

(c) The police department shall send a notice of intent to impound the vehicle described in the police officer's report to the registered owner of the vehicle. The notice shall be sent either by first-class mail or by messenger to the address of the registered owner of the vehicle. The notice shall include the following: a statement that the operator of the vehicle failed or refused to stop when ordered to do so by a Moline police officer; the date, approximate time and approximate location of the event; the description of the vehicle as contained in the officer's report; and notice of an opportunity to contest eligibility for impoundment. A copy of the notice shall be forwarded to the City's code hearing officer. A notice is presumed delivered upon being deposited with the United States postal service with proper postage affixed.

(d) An owner of record who receives a notice pursuant to subsection (c) of this section may contest eligibility for impoundment by written request delivered to the City's code hearing officer, postmarked within fourteen (14) days after the delivery of the notice. The City's code hearing officer shall set a date for a hearing on the eligibility of the vehicle for impoundment, and shall notify the owner of the date, time and place of hearing. The hearing date must be no more than thirty (30) days after the request for a hearing has been filed. In order to disprove the vehicle's eligibility for impoundment, the owner of record must prove that: 1) at the time and date of the attempted stop as described in the police officer's report, the described vehicle was not operated within the City of Moline; or 2) at the time and date of the attempted stop, the vehicle had been reported stolen; or 3) the license information described in the report does not match the listed make of the described vehicle. If the owner of record prevails, the notice of intent to impound the owner's vehicle shall be withdrawn and the vehicle shall not be eligible for impoundment under this section.

(e) If the vehicle owner receives a notice pursuant to subsection (c) of this section and: 1) fails to contest eligibility under subsection (d) of this section, or 2) does not prevail in the contest of eligibility, the vehicle described in the notice shall be eligible for impoundment if found on the public way or within a parking lot under city ordinance control or parking lot open to the general public or in a parking lot or on the public way of another city with whom the City has an intergovernmental agreement to provide assistance in conjunction with an incident involving multi-jurisdictional problems within twelve (12) months following the conclusion of the contest, if a contest was requested, or following the last date to request a contest if none was requested.

(f) The owner of a vehicle impounded under this section shall be subject to an administrative penalty of five hundred dollars (\$500.00) plus the cost of towing and storage of the vehicle. Ord. No. 3003-11-08; new Sec. 22-1410, "AUTHORITY TO IMPOUND FLEEING VEHICLES" enacted; 11/18/03)

DIVISION 5. NEGLECTED AND DELINQUENT CHILDREN OFFENSES

SEC. 22-1500. PURPOSE.

This ordinance is declared necessary for the furtherance of and preservation of the public peace, health, safety and welfare of the people of the City of Moline, and is intended to address situations where parents have contributed to the dependency or neglect of their minor children and where persons have contributed to a child's delinquency.

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SEC. 22-1205. PENALTY.

Except for violation of Sections 22-1201 and 22-1203, all violations of this division shall be punishable as provided in Section 1-1107 of this Code. (Ord. No. 2000-06-04; Sec. 22-1205 repealed; new Sec. 22-1205 enacted; 06/06/00)

SEC. 22-1206. FORFEITURE.

All drug paraphernalia as defined by Section 22-1200 of this Code shall be subject to forfeiture as provided in 720 ILCS 550/12 and 720 ILCS 570/505.

DIVISION 3. PARENTAL RESPONSIBILITIES

SEC. 22-1300. PURPOSE.

This ordinance is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the City of Moline, and is intended to address situations where parents have failed to act responsibly and reasonably in the supervision of their minor children to the detriment of the general public.

SEC. 22-1301. DEFINITIONS.

- (1) **Delinquent Acts.** Those acts which violate the laws of the United States, or the statutes of the State of Illinois or the ordinances of the City of Moline or those acts which would cause or tend to cause the minor to come under the jurisdiction of the Juvenile Division, the Department of Children and Family Services, County Court Services or the Juvenile Court but this definition shall not include traffic violations.
- (2) **Minor.** For the purpose of this ordinance "Minor" shall include persons who are above the age of seven (7) years, but not yet eighteen (18) years of age.
- (3) **Parent.** A mother, father, legal guardian and any other person having the care or custody of a minor or any person acting in the parent's stead who has custody or control of the minor.
- (4) **Illegal Drugs.** Controlled substances obtained without a legal prescription.
- (5) **Juvenile Delinquent.** Those minors whose behavior interferes with the rights of others or menaces the welfare of the community.
- (6) **Recklessly.** Conduct engaged in by a person in conscious disregard of a substantial and justifiable risk that circumstances exist or that a result will follow which constitutes an offense under this section and where such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.
- (7) **Committee.** In this division and in Division 4, "Committee" shall mean the Committee-of-the-Whole" of the City Council. (Ord. No. 2003-05-05; reference to standing committees changed to City Council or Committee-of-the-Whole throughout the Code; 05/13/03)

SEC. 22-1302. PARENTAL DUTIES.

(a) It is the continuous duty of the parent of any minor to exercise reasonable control to prevent the minor from committing any delinquent act.

(b) Included (without limitation) in this continuous duty of reasonable parental control are the following duties:

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- (1) To keep illegal drugs or illegal firearms out of the home and legal firearms locked in places that are inaccessible to the minor.
- (2) To know the Curfew Ordinance (Chapter 22, Article I, Section 22-1102) of the City of Moline, and to require the minor to observe the Curfew Ordinance.
- (3) To require the minor, if sixteen (16) years of age or younger, to attend regular school sessions and to forbid the minor to be absent from class without parental or school permission (Truancy - Chapter 22, Article II, Section 22-2103).
- (4) To arrange proper supervision for the minor when the parent must be absent.
- (5) To take the necessary precautions to prevent the minor from maliciously or willfully destroying real, personal, or mixed property which belongs to the City of Moline, or is otherwise located in the City of Moline.
- (6) To forbid the minor from keeping stolen property, illegally possessing firearms or illegal drugs, or associating with known juvenile delinquents, and to seek help from appropriate governmental authorities or private agencies in handling or controlling the minor, when necessary.

SEC. 22-1303. PARENTAL VIOLATION AND PENALTY.

(a) No parent or guardian of any minor under the age of eighteen (18) years shall fail to exercise reasonable parental control over such minor. An adjudication that said minor has committed a felony, misdemeanor or violation of an ordinance which is deemed a civil infraction as identified in Section 22-1302 (b), may be considered as evidence that said parent or guardian failed to exercise reasonable parental control.

(b) Pursuant to the violation of this ordinance, the parent/guardian of minor shall be held civilly responsible for the damages caused by the commission of any delinquent act within the City of Moline.

(c) Upon the first adjudication of a minor of committing a felony, misdemeanor, or ordinance violation the notice sent to the parent/guardian shall be considered as a warning.

(d) Upon any subsequent adjudication of a minor within two (2) years of his or her first adjudication, as provided above, following the mailing of the aforesaid notice of parent/guardian, a first violation of this ordinance will be deemed to have occurred and the parent/guardian shall be subject to a citation, which citation shall be paid at the City of Moline Accounts and Finance Office in the amount of fifty dollars (\$50.00), or if paid within seven (7) calendar days, twenty-five dollars (\$25.00). Any person violating Section 22-1303 as a second or subsequent offense, shall be subject to a citation, which citation shall be paid at the City of Moline Accounts and Finance Office in the amount of one hundred dollars (\$100.00), or if paid within seven (7) calendar days, fifty dollars (\$50.00). Any person who fails to make payment as outlined above within thirty (30) days, shall thereafter be subject to an action in Circuit Court which may be commenced in accordance with the requirements of the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq., and any person found to have violated Section 22-1303 shall be subject to a fine of not less than one hundred dollars (\$100.00), nor more than seven hundred fifty dollars (\$750.00), plus court costs, plus reimbursement to the City for the costs the City incurred in serving the person with process. In addition to any fine imposed, the parent/guardian shall be sentenced to conditional discharge with the condition that the parent/guardian participate in, through completion, a City approved community based treatment program (such as parenting skills, family services, employment and training, etc.). (Ord. No. 2000-07-03; Sec. 22-1303 (d) repealed; new subsection (d) enacted; 07/05/00)

(e) In lieu of any citation payment or any fine mentioned herein for a first offense, a parent/guardian may notify the chief of police, in writing, of their intention to complete a "Parenting" course provided by an acceptable organization recognized locally and/or nationally to provide such a course. The cost and expense relating to attendance

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at such a course shall be the responsibility of the parent/guardian. If parent/guardian provides proof of completion to the chief of police, the chief of police shall have the authority to waive any such citation or fine for the first offense.

(f) Upon the second offense of a violation of this ordinance, the parent/guardian shall be subject to a fine of not less than one hundred dollars (\$100.00), nor more than seven hundred fifty dollars (\$750.00) and, in addition, shall be sentenced to probation with the condition that the parent/guardian participate in, through completion, a City approved, community based treatment program (such as parenting skills, family services, employment and training, etc.).

(g) Upon the third or subsequent offense of a violation of this ordinance, the parent/guardian shall be subject to a fine of not less than two hundred dollars (\$200.00), nor more than seven hundred fifty dollars (\$750.00).

SEC. 22-1304. NOTIFICATION OF PARENTS; RECORD OF NOTIFICATION.

(a) Whenever a minor is apprehended or detained for a delinquent or reckless act, the parent or legal guardian shall receive written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a certificate of personal service returned, from the police department of the City of Moline following said adjudication or nonjudicial sanction; and

(b) A record of such notification shall be maintained by the Records Division of the Moline Police Department.

SEC. 22-1305. LIABILITY OF PARENTS; RECORD OF NOTIFICATION.

(a) **Injuring or destroying property or acts of vandalism.** It shall be unlawful for any person to willfully or maliciously break, deface, injure or destroy any property within the City of Moline, whether such property is owned by the state, county, City or any other governmental body, or owned by any private person. It shall be a violation of this section for any person to commit an act of vandalism.

(b) **Liable for actual damages.** The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian is liable for actual damages for the willful or malicious acts of such minor which cause injury to a person or property.

(c) **Recovery.** No recovery under this section may exceed one thousand dollars (\$1,000.00) actual damages for each person or legal entity for each occurrence of such willful or malicious acts by the minor causing injury, in addition to taxable court costs. In determining the damages to be allowed in an action under this article for personal injury, only medical, dental and hospital expenses may be recovered.

(d) **Other liability.** This article shall not affect the recovery of damages in any other cause of action where the liability of the parent or legal guardian is predicated on a common law or statutory basis.
(Ord. No. 97-1-4; new Div. 3 of Article I enacted; 01/21/97)

DIVISION 4. MOTOR VEHICLE RESPONSIBILITIES

SEC. 22-1400. CAR OWNER RESPONSIBILITY ASSIGNMENT.

This ordinance is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the City of Moline, and is intended to address a public nuisance created by individuals operating motor vehicles upon the streets and highways of this City.

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SEC. 26-2105. POWERS AND DUTIES OF MEMBERS OF THE POLICE DEPARTMENT IN GENERAL.

Each member of the police department shall have the powers conferred upon police officers and conservators of the peace by law, and such other powers and duties as may from time to time be lawfully provided by the United States or state law, or by the provisions of this Code or other City ordinance. Each police officer shall be a conservator of the peace and aid in the preservation of the public peace and the observance and enforcement of the provisions of this Code or other ordinances of the City and the laws of the state, including specifically but not limited to Articles 107 and 108, Chapter 725 of the Illinois Compiled Statutes. Each police officer shall have power and authority, within the City, to serve and execute warrants and other legal processes for the apprehension and commitment of any person charged with, held for examination or for trial, or taken in the act of committing a crime or misdemeanor, or violating any law or provision of this Code or other ordinance of the City.

SEC. 26-2106. GENERAL DUTIES OF CAPTAINS AND LIEUTENANTS OF POLICE.

The several captains and lieutenants of the police department shall function effectively within the framework of written policy, in the specific positions as assigned by their commanding officers, and within the chain of command.

SEC. 26-2107. TRANSMITTAL ORDERS.

All orders to the chief of police shall be issued to the chief by the city administrator, and all orders to the police force shall be issued by the chief of police and communicated to the force through the chain of command or in such manner as the circumstances may require.

SEC. 26-2108. JUVENILE UNIT.

(a) There is hereby established a juvenile unit within the police department which shall function within the framework of written policy as promulgated by the chief of police and within the chain of command established therein.

(b) Said juvenile unit shall be under the immediate supervision of a police sergeant assigned thereto.

(c) All crimes, violations, and offenses committed by a person who is seventeen (17) years or younger shall be coordinated with the juvenile unit.

SEC. 26-2109. DUTY OF POLICE OFFICER; JUVENILE PROBLEMS.

All police officers shall familiarize themselves with the laws, the provisions of the Moline Code of Ordinances, and all other City ordinances pertaining to juveniles. Each officer shall take notice of all juvenile offenders and offenses and any contributory action by adults in all instances coming to the attention of the officer in the performance of the officer's official duties and shall report same to the juvenile unit.

SEC. 26-2110. CUSTODY OF PROPERTY; DEPARTMENT PROPERTY; LOST, STOLEN AND CONFISCATED PROPERTY.

(a) The chief of police is responsible for the proper care, custody and control of the firearms, property, books and records of the police department and also all property lost and found, or stolen and recovered for which no owner can be found, has come into the possession of any of the officers or members of the police department.

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(b) It shall be the duty of all officers and employees of the City to promptly deliver, to the person designated by the chief of police, all lost or stolen property found by them, or coming in to their possession. The chief of police shall cause a record to be kept of the time of receiving such property and a description thereof in the official files of the police department and shall hold such property or dispose of it in accordance with state law.

(c) All property confiscated under state law, or the provisions of this Code or other ordinances of the City, shall be delivered to the chief of police, and it shall be the chief's duty to take charge of the same and to carry out the orders and directions of any court of law with reference to such property, or according to state law.

SEC. 26-2111. USE OF EQUIPMENT.

The use of all motorized equipment, radios and other police department property shall be limited to the official business of the City.

SEC. 26-2112. REVIEW OF THE FUNCTIONS AND DUTIES OF THE DEPARTMENT BY THE COMMITTEE-OF-THE-WHOLE OF THE CITY COUNCIL.

Prior to action by the City Council, the Committee-of-the-Whole shall review and study on a continuing basis, the responsibilities, functions, procedures, and activities of the police department; it shall make such recommendations to the city administrator as it believes will improve the efficiency and effectiveness of the police department, and it shall recommend such ordinances or revisions of this Code or other City ordinances as it believes necessary and proper for the preservation of peace and good order, and the enforcement of the provisions of this Code or other ordinances of the City, and the laws of the United States and this state. (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. 26-2113. MANNER OF AMENDING THIS ARTICLE.

Prior to action by the City Council, the Committee-of-the-Whole shall review any additions to or amendments of this article as are deemed appropriate from time to time. Upon adoption thereof, any such changes, additions or amendments shall be posted on the bulletin board in the headquarters of the police department immediately upon the publication of the amendatory ordinance. The publication shall be made by newspaper publication and may also be published in the form of pamphlets containing the ordinance, changes, additions or amendments, which pamphlets shall be kept in the office of the city clerk, and shall be furnished to any member of the police department or other person on request. (Ord. No. 2003-05-05; references to standing committees changed to "City Council" or "Committee-of-the-Whole" throughout the Code; 05/13/03)

DIVISION 2. THE CHIEF OF POLICE

SEC. 26-2200. RESERVED.

SEC. 26-2201. OFFICE OF CHIEF OF THE POLICE DEPARTMENT CREATED; APPOINTMENT.

There is hereby created the office of chief of the police department who shall be appointed by the city administrator with the advice and consent of the City Council.

SEC. 26-2202. QUALIFICATIONS; FILLING OF VACANCY; REMOVAL.

(a) Applicants for the position of police chief shall have a thorough knowledge of all aspects of law enforcement service and shall have attained a rank of captain, lieutenant or sergeant in the Moline Police Department, or shall have attained an equivalent in knowledge, rank and position in a police department outside of the City of

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(b) The chief of police shall, by and with the approval of the Committee-of-the-Whole of the City Council, appoint and regulate the style and quality of the uniforms to be worn by all members of the police department in accordance with subsection (a). All uniforms shall be alike in style and cut, material used, color, and in accordance with the samples furnished and approved by the chief of police and the Committee-of-the-Whole. (Ord. No. 2003-05-05; references to standing committees changed to "City Council" or "Committee-of-the-Whole" throughout the Code; 05/13/03)

(c) All members of the police department, while on duty, shall keep themselves neatly dressed and clean.

(d) A uniform allowance will be paid to each police officer, the amount of which will be set annually by the City Council.

SEC. 26-2319. INSIGNIA OF RANK.

The insignia of rank for the officers of the police department shall be as follows:

- (1) For the chief of police, insignia in gold, the word "Chief," one inch in length and one-quarter inch in width, on each side of collar of garment.
- (2) For captains, two gold bars.
- (3) For lieutenants, one gold bar, identical to those worn in the armed forces of the United States, on each side of garment.
- (4) For sergeants, three blue chevrons on each sleeve of the garment.

SEC. 26-2320. BADGES.

The official badge of authority worn by each member of the police department shall be furnished by the City, and no other device shall be worn as a badge of authority. A badge shall not be changed, transferred or exchanged, except by order of the chief of police.

SEC. 26-2321. WEAPONS AND OTHER EQUIPMENT.

Each member of the police department shall be furnished with the baton of a police officer and shall be armed while on duty with a firearm of the pattern and caliber approved by the chief of police. All members of the police department shall take good care of the weapons, batons, keys and other property furnished them by the City, or in their possession as members of the police department, and all members will be held responsible for any property furnished to them by the City, and they shall reimburse the City for the loss of any such property.

SEC. 26-2322. RETURN OF BADGE AND EQUIPMENT UPON TERMINATION OF EMPLOYMENT.

Upon the termination of the office or employment of a member of the police department, any badge, weapon or other property belonging to the City shall be returned to the chief of police in as good condition as received, ordinary wear and use expected.

SEC. 26-2323. SPECIAL POLICE.

(a) Special police officers may be appointed to assist the police department from time to time upon authorization and resolution of the City Council.

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(b) Special police officers shall not be members of the regular police department and shall not possess conservator of the peace powers as defined in Section 3.1-15-25 of the Illinois Municipal Code (65 ILCS 5/3.1-15-25).

(c) Special police officers will serve and act at the direction and control of the Chief of Police and may perform such duties, other than conservators of the peace, as specified by the Chief of Police.

(d) Special police officers may carry firearms while on duty only when authorized by the Chief of Police.

(e) All special police officers shall successfully complete the 40-Hour Mandatory Firearms Training Course before being permitted to carry a firearm, as specified in Section 3.1-30-20 of the Illinois Municipal Code (65 ILCS 5/3.1-30-20). Upon completion of the course of training, the Chief of Police shall file a certificate attesting to the special police officer's successful completion of the required 40-Hour Mandatory Firearms Training Course.

(f) Special police officers shall receive no compensation for services rendered.

(g) Special police officers may wear uniforms as specified by the Chief of Police. Uniforms and identification symbols worn by special police officers must be different and distinct from those worn by regular police officers. (Ord. No. 3024-2007; new Sec. 26-2323 enacted; 08/21/07)