

**AGENDA
CITY OF BELLEVILLE -
ORDINANCE & LEGAL REVIEW COMMITTEE
MONDAY, FEBRUARY 22, 2016 6:00
CITY HALL COUNCIL CHAMBERS
101 SOUTH ILLINOIS STREET, BELLEVILLE, ILLINOIS**

- 1. CALL TO ORDER BY CHAIRMAN MUSGROVE**
- 2. EXPLANATION OF DISASTER PROCEDURE**
- 3. ROLL CALL ALDERMEN**
- 4. ROLL CALL DEPARTMENTS HEADS**
- 5. PUBLIC PARTICIPATION (2-3 MINUTES PER PERSON)**
See reverse side
- 6. APPROVAL OF MINUTES**
 - 6-A. Ordinance and Legal Review Meeting –January 12, 2016
- 7. UNFINISHED BUSINESS**
 - 7-A. Status of Codification.
 - 7-B. Consideration of amending parking of recreational vehicles.
([Alderman Ovia](#))
- 8. MISCELLANEOUS & NEW BUSINESS**
 - 8-A. Discussion of dissolution of Belleville Township.
- 9. EXECUTIVE SESSION**

The Ordinance and Legal Committee may go into executive session to discuss personnel, litigation, privacy and safety.
- 10. ADJOURNMENT (ALL QUESTIONS RELATING TO THE PRIORITY OF BUSINESS SHALL BE DECIDED BY THE CHAIR WITHOUT DEBATE, SUBJECT TO APPEAL)**

PUBLIC PARTICIPATION (2-3 MINUTES PER PERSON)

- (a) Members of the public may address the City Council in accordance with Section 2.06(g) of the Illinois Open Meetings Act (5 ILCS 120/2.06(g));
- (b) Public comments are limited to three (3) minutes per speaker;
- (c) The subject of public comments shall be reasonably related to matters(s) identified on the meeting agenda and/or other city business;
- (d) Repetitive public comments should be avoided, to the extent practical, through adoption of prior public comment (e.g. agreeing with prior speaker);
- (e) The following conduct is prohibited during public participation:
 - Acting or appearing in a lewd or disgraceful manner;
 - Using disparaging, obscene or insulting language;
 - Personal attacks impugning character and/or integrity;
 - Intimidation;
 - Disorderly conduct as defined in Section 30-1-2 of this revised code of ordinances.
- (f) Any speaker who engages in such prohibited conduct during public participation shall be called to order by the chair or ruling by the chair if a point of order is made by a sitting alderman.

**CITY OF BELLEVILLE, ILLINOIS
ORDINANCE AND LEGAL REVIEW COMMITTEE
CITY HALL COUNCIL CHAMBERS
JANUARY 12, 2016 6:00 PM**

Alderman Musgrove called the meeting to order.

Members present on roll call: Alderman Kinsella, Alderman Pusa, Alderman White, Alderman Galetti, Alderman Musgrove, City Clerk Cook, City Attorney Hoerner and City Treasurer Hardt.

PUBLIC PARTICIPATION

None.

MINUTES

Alderman Kinsella made a motion seconded by Alderman White to accept the minutes of November 10, 2015.

All members present voted aye.

UNFINISHED BUSINESS

Status of Codification

City Attorney Hoerner stated the preliminary manuscript was completed by American Legal which has been forwarded to department heads. American Legal has requested (1) the proposed changes to the manuscript from department heads and mayor's staff; (2) the legal and editorial report in conjunction with the manuscript has been review by City Attorney Hoerner and he has prepared responses; and (3) the copy of each new ordinance passed in 2015 is being handled by the clerk's office. Once the adjustments have been made they will discussed in committee and forwarded to council for approval.

City Clerk Cook stated there are three positions in the Code under Chapter 3 that are not in conformity with current practice.

First, the Assistant City Clerk and the ordinance says the City Clerk shall appoint their assistant city clerk and that is not the current practice.

Second, there is an ordinance creating the position of a deputy clerk that says it shall be appointed by the city clerk which is not in current practice.

Third, there is a position of license collector and the license collector no longer exists and the city does not have a license collector.

Finally, the holidays are not correct in the current code; therefore, they will need to be changed.

City Clerk Cook stated it is up to the committee as to how clean it up to stay with current practice or switch current practice to meet the laws of the city.

Alderman Galetti asked how the collective bargaining agreement is affected if the committee votes to follow the ordinances; City Clerk Cook stated currently the position of assistance city clerk is listed as a union position.

City Attorney Hoerner stated when you have a position within the recognition clause of a collective bargaining agreement and the only way to remove that individual is by an act of the Labor Relations Board and they certify who is in and who is out of a bargaining unit. The Act provides that the collective bargaining agreement supersede the law and ordinance. Hoerner stated if you want to have a position that is currently covered by a collective bargaining agreement out it you must have it approved on a unit clarification petition.

Alderman White asked how a union can have more pull to govern the city; City Attorney Hoerner stated the union cannot put it in it would have had to have been added to the recognition clause by agreement and ultimately certified by the Labor Board. If not, then that person has to petition to have that position added to the union with the labor board, there is an election for certification. Alderman White requested to see it in writing before the next union contract. City Clerk Cook stated if you have someone to run for office to make change and you take office what you able to do are. If you have employees who do not agree with the change on what the person ran on and that is a concern for the clerks that comes later.

Consideration of amending parking of recreational vehicles

Alderman Oviaan requested that everyone review the revised ordinance and referred to the four highlighted changes; otherwise, the ordinance follow what the city currently has in 52.809. Alderman Galetti asked if there are ordinances in place regarding b2 and b3; City Attorney Hoerner stated no this will be new language. Alderman Randle referred to Article 3 18-3-2.

City Attorney Hoerner reviewed the current ordinance and asked what additional restrictions, if any, will need to be placed. Alderman Kinsella recommended the city attorney talk with the housing department; City Attorney Hoerner stated he would make the call and try and clear it up.

Discussion of Fire Safety Act

Alderman Oviaan presented an example of 201 Bellevue Park Drive. Alderman Oviaan recommended amending Article 7 to allow the fire department to inspect all rental property. Alderman Oviaan stated it has been discovery there is not fire alarms or carbon monoxide detectors. City Attorney Hoerner stated 5-2-4 of the Code contemplates fire inspections. In the past it has only been done on commercial buildings. Alderman Oviaan reviewed the penalties under Article 5.

Alderman Randle asked how many rental units are in the city; Alderman Oviaan stated 7800 at the beginning of 2015.

City Attorney Hoerner recommended sending this item to Police and Fire Committee to consider as a whole and discuss funding.

Consideration of amending Chapter 60 (60-7-5(c)(Permitted Home Occupations) of the City's Revised Code of Ordinance

Alderman Ovian stated 60-7-4 states daycare allows for 3 children. Alderman Ovian is recommending changing and adding the following:

- Does the applicant reside at the residence?
- DCFS approval for business to operate at location.
- Site Plan to include parking and fencing lay outs.
- State licensing showing total number of children allowed per DCFS requirements.
- Residents of property; criminal background checks completed.
- Employees of business; criminal background checks completed.
- Hours of operation.
- Prior experience with references.
- Does applicant have a teaching degree in early childhood?
- Provide the City with a liability certificate of insurance showing proof of 1,000,000 limits. In addition, a professional liability endorsement showing proof of child abuse and child molestation coverage must be included.
- Burglar alarm coverage maintained and name of carrier.

Director of Economic Development, Annissa McCasskill, requested clarification regarding the recommendations. Alderman Ovian stated he would like the applicant to submit copies the State of Illinois approved.

City Attorney Hoerner stated the home occupancy is a zoning issue; however, from this standpoint the question is what type of business will be allowed in a residential area. City Attorney Hoerner stated he will draft a revised ordinance.

MISCELLANEOUS & NEW BUSINESS

Discussion of review of tax exemptions under utility tax ordinance

City Attorney Hoerner stated Ameren contacted Jamie Maitret with respect to the municipal utility tax the city buildings are exempt. Chapter 43 does not state that so Ameren requested the city submit to them by the end of the month an amendment adding the following sentence "any accounts of the City of Belleville shall be exempt from the taxes imposed by this ordinance".

Alderman Galetti made a motion seconded by Alderman Kinsella to approve adding the following sentence "any accounts of the City of Belleville shall be exempt from the taxes imposed by this ordinance" to Chapter 43.

Discussion of Certificates of Business Occupancy

Annissa McCaskill stated the city currently has a business occupancy process which includes inspections by the fire and housing/building department. There are several buildings with owners that inherited issues from prior owners and the issues have not been addressed. A brochure has been created to give to business owners verifying the process and the fact they actually need to get their occupancy permit before they open. The building department currently has a document which allows people to have a conditional occupancy based upon a timeline in which they will come into compliance.

City Treasurer Hardt asked if they get to see the approval page; McCaskill stated this is internal. City Treasurer Hardt stated his sign off is he ensures the businesses both public and private not indebted to the city in order to receive the permit. City Treasurer Hardt will supply additional information for the form.

ADJOURNMENT

Alderman Galetti made a motion seconded by Alderman Kinsella to adjourn the meeting at 7:40 p.m.

All members present voted aye.

Alderman James Musgrove, Chairman

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 52 (TRAFFIC CODE)
OF THE REVISED CODE OF ORDINANCES OF BELLEVILLE, ILLINOIS,
AS AMENDED, BY AMENDING PORTIONS OF SECTIONS THEREOF**

THE CITY OF BELLEVILLE, ST. CLAIR COUNTY, ILLINOIS (THE "CITY"), IS A DULY ORGANIZED AND EXISTING MUNICIPALITY CREATED UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF ILLINOIS.

THE CITY OF BELLEVILLE IS NOW OPERATING UNDER THE PROVISIONS OF THE ILLINOIS MUNICIPAL CODE, AS SUPPLEMENTED AND AMENDED AND AS A HOME RULE MUNICIPALITY PURSUANT TO ARTICLE VII OF THE ILLINOIS CONSTITUTION OF 1970; AND IN THE EXERCISE OF ITS HOME RULE POWERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLEVILLE, ILLINOIS:

Section 1. That **Section 52.809** is hereby amended by repealing said Section 52.809 in its entirety, and substituting in lieu thereof the following:

52.809 PARKING OF RECREATIONAL VEHICLES.

(A) Definitions.

"Recreation Vehicle". A "recreational vehicle" is any motor vehicle or trailer designed and used as a travel trailer, camper, motor home, tent, trailer, boat/~~watercraft~~, boat/~~watercraft~~ trailer, snowmobile, snowmobile trailer, camping trailer or for any other similar purpose.

~~"Front Yard-Front"~~. A yard which is bounded by the sides of the residence, front lot line, and the front of the residence.

~~"Side Yard-Side"~~. A yard which is bounded by the rear of the residence, front of the residence and side lot line.

~~"Rear Yard-Rear"~~. A yard which is bounded by the sides of the residence, rear lot line, and the rear of the residence.

(B) **Storage.** In an area zoned for single family residential purposes, a recreational vehicle may be stored in a garage. Storage outside of the garage, in the front yard or side yard of a residence shall only be allowed upon satisfaction of all of the following conditions:

(1) Outside storage shall only be allowed in the driveway and the recreational vehicle must be stored **ten (10) feet** from the curb line. ~~Outside storage shall also be allowed or~~ in the rear yard if the rear yard is not adjacent to a street;

(2) The parking surface upon which a recreational vehicle is stored shall be continuously maintained free of all debris, trash, grass and weeds at all times;

(3) The recreational vehicle stored shall not be used to store trash, debris, garbage, plastic bags or boxes; and

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(4) No more than two (2) recreational vehicles may be stored outside a single residence at any one time.

~~Outside storage shall not be allowed~~It shall be unlawful to store a recreational vehicle in the side yard.

(C) **Parking on the Street.** It shall be unlawful to park any recreational vehicle on a City street unless it is connected to a motor vehicle and for the purpose of loading and unloading of personal property for a period not to exceed ~~forty~~ **eighttventy-four (248) hours.**

(D) **Towing a Vehicle.** If the owner of a recreational vehicle is violating this Section and fails to move said recreational vehicle after **seven (7) days** from the issuance of a notice from the Police Department, said vehicle shall be subject to removal and towing by an authorized tow service. The said recreational vehicle shall be stored by the tow service in a secure area until all penalties, fines and storage costs permitted by State Statute or City Ordinance have been satisfied by payment.

(E) **Vehicle Registration.** All recreational vehicles that are permitted to be parked under this Article must have current registration, title and insurance.

Section 2. That conflicting Ordinances or pertinent portions thereof in force the time this takes effect are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval and publication, in pamphlet, all as provided by law.

PASSED by the City Council of the City of Belleville, Illinois, on this 16th day of November, 2015 on the following roll call vote:

	<u>AYE</u>	<u>NAY</u>
Joseph Hazel	_____	_____
Ken Kinsella	_____	_____
Janet Schmidt	_____	_____
Michael Buettner	_____	_____
Kent Randle	_____	_____
Scott Tyler	_____	_____
Johnnie Anthony	_____	_____
Raffi Ovian	_____	_____
Edward Dintelman	_____	_____
Phillip Silsby	_____	_____
Paul Seibert	_____	_____
Bob White	_____	_____
Philip Elmore	_____	_____
Trent Galetti	_____	_____
Roger Wigginton	_____	_____
James Musgrove	_____	_____

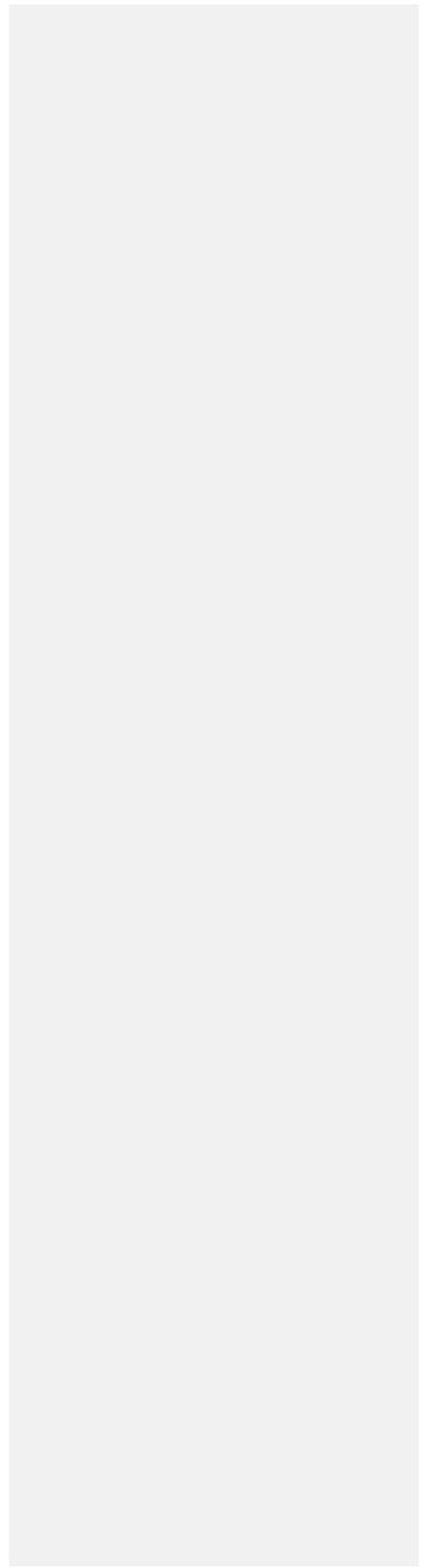
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APPROVED by the Mayor of the City of Belleville, Illinois this 17th day of November, 2015.

MAYOR

ATTEST:

CITY CLERK



52.809 PARKING OF RECREATIONAL VEHICLES.

(A) Definitions.

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(B) **Storage.** In an area zoned for single family residential purposes a recreational vehicle may be stored in a garage. Storage outside of the garage, in the front yard or side yard of a residence shall only be allowed in the driveway and the vehicle must be stored **ten (10) feet** from the curb line. Outside storage shall also be allowed in the rear yard if the rear yard is not adjacent to a street. Outside storage shall not be allowed in the side yard.

b-1 All parking or storage of motor vehicle takes place only on graded and paved surfaces of bituminous hot mix, Portland cement concrete, or approve comparable paving material.

b-2 The parking surface upon which a recreational vehicle is stored shall be continuously maintained free of all debris, trash, grass and weeds at all times.

b-3 The recreational vehicle stored shall not be used to store trash, debris, garbage, plastic bags or boxes.

b-4 Private parking or storage of major recreational equipment, not exceeding six and one-half (6 ½) feet in height. See paragraph B.

(C) **Parking on the Street.** It shall be unlawful to park any recreational vehicle on a City street unless it is connected to a motor vehicle and for the purpose of loading and unloading of personal property for a period not to exceed ~~forty eight~~twenty four (24) hours.

(D) **Towing a Vehicle.** If the owner of a recreational vehicle is violating this Section and fails to move said recreational vehicle after **seven (7) days** from the issuance of a notice from the Police Department, said vehicle shall be subject to removal and towing by an authorized tow service. The said recreational vehicle shall be stored by the tow service in a secure area until all penalties, fines and storage costs permitted by State Statute or City Ordinance have been satisfied by payment.

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