

**CITY OF BELLEVILLE, ILLINOIS  
ORDINANCE AND LEGAL REVIEW COMMITTEE  
CITY HALL COUNCIL CHAMBERS  
MARCH 14, 2023 5:41 PM**

Chairwoman Stiehl called the meeting to order.

**Members present on roll call:** Alderwoman Eros, Alderman Randle, Alderman Elmore, Alderwoman Osthoff and Chairwoman Stiehl.

**Members excused:** Alderman Whitaker, Alderman Anthony, Alderman Dintelman

**Department Heads Present:** City Clerk Gain Meyer, Police Chief Eiskant, Director of Health and Housing Scott Tyler.

**Department Heads excused:** City Attorney Hoerner

**PUBLIC PARTICIPATION**

**Michael Hagberg:** Speaking on opposition of the proposed ordinance to the derelict vehicles. I think anytime that the government is going to seize personal property, especially taking it off of somebody's personal property, that due notice has to be provided and to think that in January, if you give due notice on one property, and then say you have a family gathering at Thanksgiving and your son drives a car that doesn't look all that good, but comes to park it on your property, the City should not have permission to back up and tow that car away. I think if you are going to take personal property it shouldn't be a big issue to provide a notice for each and every event.

**MINUTES**

Alderwoman Eros made a motion second by Alderman Randle to approve minutes of February 14, 2023.

All members voted aye.

**UNFINISHED BUSINESS**

Alderman Randle: There is just something that I would like closure on, on October 11, 2022 when we had met, there was a lot of discussion around the distances with respect to cannabis and one of Alderman Whitaker's points was he referenced waiting on the City Attorney to return with guidance from the Attorney General's office regarding their opinion and the City's authority to reduce boundaries it has set for cannabis facilities. I believe that was on page six (6) of nineteen (19) of the October 11, 2022 minutes. I for one, since we haven't met in so long and the City Attorney was not here last month and not here this evening, I would like that clarification that Alderman Whitaker had requested back in October of 2022.

**MISCELLANEOUS & NEW BUSINESS**

Director of Health and Housing Tyler: This pertains to the Fence Ordinance, we have a few people throughout the City who have used temporary fencing, I gave you all pictures, they use it as permanent fencing and the neighbors have complained for quite some time. I have always

March 14, 2023

gone and reverted to; we don't have anything that says you can't. I try to make the argument when I talk to these people, imagine if everyone did what you're doing. If everyone had an orange fence in their yard, a plastic fence. Some people get it, some people don't. I have three (3) in Belleville that I know of, two of them do it during the Fall and throughout the Spring then they take them down and the orange one that I sent you a picture of that has been up 365 days a year for almost two (2) years, to my knowledge. Would you like for me to read this Ordinance proposal?

Chairwoman Stiehl: Yes, because the present one we have is - -

Director of Health and Housing Tyler: I didn't know if someone on the committee - -

Alderman Randle: This is just an addition is it not?

City Clerk Gain Meyer: Yes, what is in blue is the new wording. There is some additional wording added.

Alderman Randle: Do we need this read into the record?

City Clerk Gain Meyer: No.

Alderman Elmore made a motion second by Alderwoman Eros to amend Title XV (Land Usage) Chapter 158 (Streets and Sidewalks; Trees) Sections 158.129 – 158.132

All members present voted aye.

Motion carries.

Chief Eiskant: You have the language that I added to the Derelict Vehicles Ordinance, and I will tell you the reason for this and the legality behind it. The City of Round Lake Beach, IL in the Northern District of Appeals Court of Illinois, that is the latest ruling on derelict vehicles. What the Appeals Court in Illinois said was any vehicle that is not able to be operated legally on the roadway is a derelict vehicle. We are inundated with derelict vehicles throughout the City. It is not a social gathering where somebody's car doesn't look so good. That is not the case. It is a derelict vehicle, one that cannot be operated legally on a roadway. We are not charging people at family gatherings or any other gathering because any other reason other than the vehicle is derelict. What we have come across, here in Belleville, is that we have homeowners that we tag their vehicles and then the next day they remove that vehicle and replace it with another derelict vehicle. Sometimes we will tag five (5) derelict vehicles and then the next day they replace them with five (5) more derelict vehicles. It is a rotation game. All year long, all we are doing is tagging cars, but they keep replacing them with other derelict vehicles. We cannot continue to operate like that because nothing gets cleaned up that way. The purpose behind this Ordinance is to hold homeowners accountable. People don't have a right to have derelict vehicles on their private property, the people's court has already ruled on that. If it cannot be legally operated on the roadway, it is a derelict vehicle subject to tow by Police. Again, it is just a revolving door on how the Ordinance is written now, every time we tag it, then they replace it with new vehicles.

March 14, 2023

So, every seven (7) days we are back out there over and over and this will help us clean up properties in Belleville.

Alderman Randle: Regarding how notice will be administered - -

Chief Eiskant: Regarding what?

Alderman Randle: How the notice will be administered to the vehicle owner. Are we going to be doing that by certified letters so there is a signature that they have been served, is there going to be a summons administered, how is the notice going to be affected.

Chief Eiskant: This is already in the Ordinance under nuisances the same language. If you go to Nuisances Prohibited under 93.001 or Notice to Abate 93.003 under section B it states only one notice will be sent to the owner/occupant of the premises or the person responsible for such condition per each property per year. There is not a whole lot of properties that are repetitive. There is a handful of properties that are repetitive where people don't pick up their trash and we are giving them a five-day notice over and over, to clean up their yard. This Ordinance was changed a while back and says we only have to give you one notice for anything under Chapter 93 Nuisances. We will make sure that the homeowner is served, whether it is by certified mail, or if it is by hand delivery and a report will be documented on how they were served. We are not just going to stick it in their mailbox or stick it on their car, we are going to make sure they know and a report will be generated on that.

Alderman Randle: I raise the question because if you have a situation where you cannot make contact with the owner because they are in the hospital, or they are out of state. We are going to say that we are going to send you one notice, but you didn't get it, obviously because you were not around to receive it, what do we do in those situations?

Chief Eiskant: That has never been the case, any time we give a notice where you have to, per se that the original Notice to Abate anytime we give that notice, you are going to know that you got that notice and you are going to know that this is the only notice you are getting for the rest of the year. This is what we do on nuisances now. Somebody is in the hospital; they are going to get notified.

Alderman Randle: Is this going to clear up the practice of allowing somebody who has been notified that they have a derelict vehicle from just pushing the vehicle and throwing a tarp over it?

Chief Eiskant: There is a notice in that practice, if somebody has a tarp over a vehicle we can ask them to remove the tarp, if they don't want to, they are protected under the Fourth Amendment, that is a search. So if somebody has a tarp over a vehicle, we basically have to get consent to look under that tarp.

Alderman Randle: But we don't have any Officers telling people well if you put a tarp over it then you are protected by the Fourth Amendment?

Chief Eiskant: I would hope not. Do you have any evidence of that happening:

March 14, 2023

Alderman Randle: I do not have any evidence that it happened, I do have evidence of a vehicle where it is wrecked, no registration on it, and all they did was move it from the side of the driveway up next to the side of the backyard and put a tarp over it.

Chief Eiskant: That is something where an Officer can go out there and ask them for consent to look at the vehicle, but we don't have Officer's that do that. I don't even know why that was brought up.

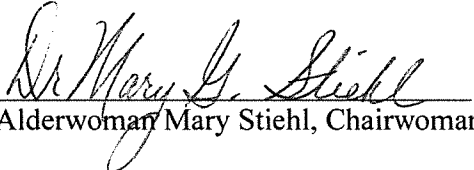
Alderwoman Eros made a motion second by Alderwoman Osthoff motion to amend Title IX (General Regulations) Chapter 93 (Nuisances) Section 93.057 (Notice to Owner)

Chairwoman Stiehl: The one discussion I need to say is that Alderman Whitaker in Ward 1 says that he would support this motion because he has several cases where residents in Ward 1 and they do the same thing, they will get the notice and then put another vehicle there. Exactly what Chief Eiskant said.

All members present voted aye.

Alderman Randle made a motion second by Alderwoman Eros to adjourn the meeting at 5:54 p.m.

All members present voted aye.

  
Alderwoman Mary Stiehl, Chairwoman