

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Corby Valentine
Steve Smith
Tony Miller
Rita Baker
Seth Speiser
Charlie Mattern

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
14 SOUTHGATE CENTER, FREEBURG, IL 62243
PHONE: (618) 539-5545 • FAX: (618) 539-5590
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR
Dennis Herzing

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
Ronald Dintelmann

POLICE CHIEF
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY
Stephen R. Wigginton

October 12, 2009

NOTICE

MEETING OF LEGAL AND ORDINANCE COMMITTEES (Annexation; Building; Zoning; Subdivision) Speiser/Baker/Mattern

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, October 14, 2009, at 4:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of September 2, 2009 Minutes and November 5, 2008 Executive Session Minutes
2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code/Building Code application
3. Status of Public Hazard Homes
4. TIF Litigation
5. Stumpf Lawnmower business

B. New Business

C. General Concerns

D. Public Participation

E. Adjourn

At said Legal and Ordinance Meeting, the Village Trustees may vote on whether or not to hold an Executive Session to discuss the selection of a person to fill a public office [5 ILCS, 120/2 - (c)(3)], litigation [5 ILCS, 120/2 - (c)(11)] personnel [5 ILCS, 120/2 - (c) (1) a.]; or real estate transactions [5 ILCS, 120/2 - (c)(5)].

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Speiser/Baker/Mattern)
Wednesday, October 14, 2009 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:35 p.m. by Chairman Seth Speiser on Wednesday, October 14, 2009, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern, Mayor Ray Danford, Village Administrator Dennis Herzing and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of September 2, 2009 Minutes: *Trustee Rita Baker motioned to approve the September 2, 2009 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, motion carried.*

Trustee Rita Baker motioned to recommend the November 5, 2008 Executive Session minutes and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Seth talked to Mike Mitchell who will be coming to the next Legal & Ordinance committee meeting on Tuesday, November 10th at 4:30 p.m. He will be here to answer any questions we have on commercial code and inspections. Seth said building permits are going up for the County in January. Dennis said our contract with the County has scheduled increases each summer and doesn't know if our contract will be impacted by the January increases. Mike told Seth it will now take up to 30 days to get a building permit because of the erosion control issue. Mike said it won't be passed onto the cities unless they adopt it. Julie provided copies of all CIB minutes and the latest revised nuisance abatement code for the committee's review. Ray asked the committee if we have enough in our current code and just need to do a better job of enforcing the code or do we need to put more teeth into it. Ray has received comments regarding the Koesterer home, the old foundry, the old building across from the old Dave's Ford Ranch, etc., and asked if anyone has received complaints from residents concerned about their property values. Dennis thinks we need to get through the revised nuisance ordinance and said until we adopt it, we don't have a lot in our ordinance for people to make improvements. Ray asked if the committee sees any weaknesses that we need to address and the direction we need to go. The committee will read over the code.

Legal and Ordinance Committee Meeting
Wednesday, October 14, 2009
Page 1 of 2

3. Status of Public Hazard Homes: Dennis said our attorney has proposed a stipulation to dismiss since the case is moot. Ray would like to have Phil drive around to see if there are any other properties that need to be addressed and prepare a report on them. Dennis said the CIB's intent was to provide more teeth to our code to address problem areas before they get out of hand. Ray said maybe we need to expand our focus and see if there are any other problems that we need to address. Dennis said Greg Crawford is coming to the Board of Appeals meeting tomorrow night to talk about his plans for the bowling alley.

4. TIF litigation: Dennis said the check was mailed yesterday and has to be there by the 20th. Koppeis paid the first half of his taxes, about \$95,000 and the County only gave us \$64,000 which wasn't enough to cover the bond payment. The County gave us the remainder on Friday. Dennis will follow up with Commerce Bank to make sure they get the payment in time. Attorney Wigginton will get that revised agreement done and over to Koppeis' attorney next week.

5. Stumpf Lawnmower Business: The case has been set for a bench trial on December 8, 2009. Stumpf has hired John Goodwin. John wants to know if we will accept a consent decree and drop the ordinance violations and not fine Stumpf. Dennis told Attorney Wigginton Stumpf has been in contempt for the past year by continuing the business. The committee agreed to act on this matter by refusing the consent decree and take the matter to court.

B. NEW BUSINESS: None.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 5:12 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Speiser/Baker/Mattern)
Wednesday, September 2, 2009 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:50 p.m. by Chairman Seth Speiser on Wednesday, September 2, 2009, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern, Village Administrator Dennis Herzing and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of August 5, 2009 Minutes: Trustee Rita Baker motioned to approve the August 5, 2009 minutes and Trustee Seth Speiser seconded the motion. All voting aye, motion carried.

2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Seth and Dennis are going to meet with Phil tomorrow at 11:00 a.m. to discuss the building code requirements before we meet with Mike Mitchell of St. Clair County Zoning. Dennis said we need to find out how St. Clair County is picking and choosing their inspections. If we enforce the code, we will have to have occupancy permits on everything. Charlie said Shiloh does not have the reputation of being hard to build in but has a significantly different game there. Seth said Ray has also asked that we address the material requirements on buildings. Julie will copy all the previous minutes on this and distribute to the committee as well as the nuisance code that the Community Improvement Board recommended to this committee.

3. Status of Public Hazard Homes: Dennis said the appeal was denied due to a technicality. The court refused to hear it because the original motion we filed for the order of demolition hasn't been resolved. The court recognizes it is a moot issue because the building has been demolished, by statute, they can't hear an appeal on a case that isn't resolved. The committee agreed to talk about this with Steve on Tuesday night. Seth asked if Phil went by and looked at 406 W. Phillips and Julie said she will check with Phil.

4. TIF litigation: Dennis said Steve will be here Tuesday for an executive session. He said we were successful in getting Commerce Bank to change the waterfall date. The sales tax money won't be used to pay the bonds assuming Koppes pays his first real estate tax payment on time.

Legal and Ordinance Committee Meeting
Wednesday, September 2, 2009
Page 1 of 2

5. Stumpf Lawnmower Business: Julie advised Stumpf has been issued four more citations, three for disturbing the peace and one for operating a home business which are scheduled to go to court on September 17, 2009.

B. NEW BUSINESS: None.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 5:17 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

CHAPTER 151: NUISANCE ABATEMENT

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Section

General Provisions

- 151.001 Establishment
- 151.002 Code Enforcement Officer

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Unsafe Structures and Equipment

- 151.015 Condemnation of structures
- 151.016 Definitions

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Unfit or Unlawful Structures

- 151.030 Structures unfit for occupancy
- 151.031 Definitions
- 151.032 Vacant structures

Maintenance of Exteriors

- 151.045 Applicability
- 151.046 Maintenance by owner
- 151.047 Vacant structure conditions
- 151.048 Exterior premises
- 151.049 Garbage storage containers
- 151.050 Stagnant water
- 151.051 Loading and delivery areas
- 151.052 Responsibility for extermination of pests
- 151.053 Responsibility for exterior areas
- 151.054 Weeds and lawns
- 151.055 Storage yards and areas
- 151.056 Discharges to adjacent property
- 151.057 Accessory structures
- 151.058 Exterior of structures
- 151.059 Sanitary conditions

Notices; Posting Requirements

- 151.070 Notice of violation
- 151.071 Service of notice
- 151.072 Condemnation order; vacation of premises
- 151.073 Non-compliance
- 151.074 Issuance of condemnation notice
- 151.075 Continued use of structure
- 151.076 Lifting condemnation notice
- 151.077 Emergency actions

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10/6/09 Revised Copy

Junk Vehicles

- 151.090 Definition
- 151.091 Declaration of nuisance
- 151.092 Issuance of citation; exceptions
- 151.093 Multiple vehicles for sale
- 151.094 Unlawful sale without license
- 151.095 Enclosure of motor vehicles
- 151.096 Unlawful parking
- 151.097 Commercial vehicles in residential district
- 151.098 Recreational vehicles
- 151.100 Applicability

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Deleted: Unlawful parking

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Deleted: 151.099 Recreational vehicles

Violations, Penalties and Remedies

- 151.115 Code violations
- 151.116 Non-compliance with order
- 151.117 Action by Board of Trustees
- 151.118 Time constraints
- 151.119 Commencement of court proceedings
- 151.120 Sale of structure and materials

Certificate of Occupancy

- 151.135 Occupancy permit required
- 151.136 Application
- 151.137 Action on application
- 151.138 Issuance of permit
- 151.139 Rejection of application
- 151.140 Suspension of permit
- 151.141 Revocation of permit
- 151.999 Penalty

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GENERAL PROVISIONS

§ 151.001 ESTABLISHMENT. This code establishes the minimum requirements for the initial and continued occupancy and use of all structures and premises, but does not replace or modify requirements otherwise established by prior codes, ordinances, the Housing Code and Building code, which may be additional or more stringent than the requirements set forth herein for the construction, repair, alteration or use of structures, equipment or facilities.

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§ 151.002 CODE ENFORCEMENT OFFICER.

- A. It shall be the duty and responsibility of the appointed Building and Zoning/Code-Enforcement Administrator, hereinafter referred to as "Administrator," to enforce the provisions of the Property Maintenance Code, Subdivision Code and Zoning Code, as provided for herein. In addition, the Administrator, as noted under division (B) below performs various functions, as designated, within the Public Works Department and Health Department. The Administrator also coordinates with the Police Department on enforcement of these codes. The Administrator shall be appointed by the Village Mayor with the advice and consent of the Village Board. Salary shall be determined by the Board of Trustees.
- B. The Administrator shall have the following powers and duties:
1. Except as may be provided for in each code, to enforce all the provisions of the Property Maintenance, Zoning and Subdivision Codes, and Chapter 93 Health and Sanitation and Nuisance;
 2. To issue all necessary notices and orders to abate illegal or unsafe conditions in order to ensure compliance with the Property Maintenance, Zoning and Subdivision Code, and Chapter 93 Health and Sanitation and Nuisance requirements for the safety, health and general welfare of the public;
 3. To enter any non-residential or residential structure at any reasonable time for the purpose of making inspections and performing duties as provided for under the Property Maintenance, Zoning or Subdivision Codes, and Chapter 93 Health and Sanitation and Nuisance;
 4. To seek from a court of competent jurisdiction an order against an owner, occupant or other person in charge of a premises to cease and desist in refusing, impeding, inhibiting or obstructing the free access by the Administrator to any part of a structure wherein inspection is sought;
 5. Manages work activities in accordance with the Property Maintenance/Zoning/Subdivision Codes, issues building/zoning permits, monitors building/zoning permits for compliance, initiates legal action against violators and inspects properties;
 6. Manages work activities related to code enforcement (nuisance laws) and checks illegal dumping (enforcing the regulations on illegal dumping for both hazardous and non-hazardous materials), enforces open burning laws, oversees inspections/issuances of citations for blighted property and oversees sampling of suspected polluted water bodies;
 7. Coordinates building and zoning activities with the Village Mayor, Clerk/Treasurer, Engineer, Comptroller, Attorney, Trustees, Planning Commission, Zoning Board of Appeals and other internal and external agencies as needed;
 8. Oversees village trash contract with chosen private contractor;
 9. Attends related meetings (board, caucus, zoning and the like) and associated conferences;
 10. Prepares, proposes and monitors department budget;
 11. Performs all building, zoning and subdivision inspections except plumbing (in which a licensed plumber is needed); (However, the Administrator will arrange for all required plumbing inspections.);
 12. Inspects and approves all sewer tap-ons to the village's main sewer lines and arranges for all septic system inspections from the county and records and informs the Public Works Director and the Water Clerk of all sewer inspections completed;

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13. Monitors constructions projects for compliance under the Property Maintenance/Subdivision/Zoning Codes and keeps the Village Engineer and Board informed of all problems and the status of construction;
 14. Maintains a computerized database record of all building permits issued; (Fees received for building permits will be turned over to the Village Treasurer. Copies of all building permits issued will be turned over to the Village Clerk;
 15. Performs easement acquisition for village projects, assists in annexations of unincorporated areas adjacent to the village and reviews applications for annexations and pre-annexations (in conjunction wit the Village Clerk) for water service to the village Board for approval and ensures annexations and pre-annexations are recorded with the county;
 16. Subdivision Code duties:
 - a) Attends Planning Commission meetings;
 - b) Reviews preliminary plats received by the Village Clerk and presents these plats to the Planning Commission along with his or her recommendations and comments;
 - c) Reviews final plats and improvement plans as described in the Subdivision Code;
 - d) Pursues actions authorized in the Subdivision Code when a developer fails to complete required improvements;
 - e) Reviews and forwards applications for subdivisions variances to the Planning Commission;
 - f) Forwards applications for subdivision variances along with Planning Commission comments to the Board of Trustees;
 - g) Maintain up-to-date records on matters pertaining to the Subdivision Code including, but not limited to preliminary plats, as-built records of completed improvements, final plats, variances and amendments; and
 - h) Provides information to subdividers/developers and to the general public on matters related to the Subdivision Code.
 17. Performs health/environmental inspections;
 18. Zoning Code duties:
 - a) Maintains a current village zoning map on file;
 - b) Attends Zoning Board of Appeals meetings, sets agenda and notifies members of required meetings and acts as secretary of the Zoning Board of Appeals; and
 - c) Except as provided for in the Zoning Code, the Administrator shall administer and enforce the Zoning Code including the receiving of applications, the inspection of premises and the issuing of permits and certificates of occupancy. No permit or certificate of occupancy shall be issued by the Administrator, except where provisions of the Zoning Code have been complied with.
 19. Performs other duties as required or as assigned by the Village Mayor or Village Board which are reasonably within the scope of the duties enumerated above.
- C. Every occupant of a non-residential structure or a premises shall give the owner, his or her agent or employee access to any part of the structure or its premises at reasonable times for the purpose of making inspections and such repairs as are necessary to comply with the provisions of this code. ▽
- D. The Administrator or his or her authorized representative shall disclose proper credentials of his or her respective office for the purpose of entering into any structure for the purpose of inspecting any and all building and premises in the performance of his or her duties pursuant to this code. ▽

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E. Inspection of all premises, the issuance of notices and orders resulting from inspections and the enforcement of this code shall be the responsibility of the Administrator. However, if, in the opinion of the Administrator initiating an inspection under this code, he or she deems it necessary or desirable to have inspections by other departments of the village, the Administrator shall make reasonable effort to arrange for the coordination of additional inspections so as to minimize the number of visits by inspectors. The Administrator shall confer with the other departments conducting inspections for the purpose of eliminating conflicting orders or citations before any are issued. No department conducting inspections shall delay the issuance of any emergency orders which it determines must be issued for the purpose of conducting such a conference with other departments.

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UNSAFE STRUCTURES AND EQUIPMENT

§ 151.015 CONDEMNATION OF STRUCTURES.

- A. When any structure or part thereof is determined by the Administrator to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found to be unlawful, it may be condemned pursuant to the provisions of this code and shall be posted with appropriate notice and vacated.
- B. It shall not be reoccupied without approval of the Administrator. Unsafe equipment located within a structure shall also be posed with appropriate notice and placed out of service upon posting.

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§ 151.016 DEFINITIONS. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EQUIPMENT. Equipment includes any boiler, heating unit, elevator, moving stairway, electrical wiring or device, air conditioning system, flammable liquid container or other type of equipment located within a structure or premises. Such equipment is unsafe when it is in such disrepair or condition that it is determined by the Administrator to be a hazard to life, health, property or safety of the public or the occupants of the structure or premises wherein the equipment is situated. *Unsafe equipment* may contribute to or be the cause of a finding that the structure wherein it is situated is unsafe or unfit for human occupancy or use.

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UNSAFE STRUCTURE. One in which all or part thereof is determined by the Administrator to be dangerous to life, health, property or the safety of the public, which includes its occupants, because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it may partially or completely collapse.

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UNFIT OR UNLAWFUL STRUCTURES

§ 151.030 STRUCTURES UNFIT FOR OCCUPANCY. A structure is unfit for human occupancy or use whenever the Administrator finds that it is unsafe, unlawful or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rat infested, contains filth and contamination or lacks proper ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code or any other code or ordinance. Furthermore, a structure may be unfit for human occupancy if its location constitutes a hazard to its occupants or to the public.

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§ 151.031 DEFINITION. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

UNLAWFUL STRUCTURE.

1. One found in whole or in part to be occupied by more persons than is permitted by the village code.
2. One determined to have been erected, altered or occupied contrary to the village code.

§ 151.032 VACANT STRUCTURES. If any structure or part thereof is vacant and unfit for human habitation, occupancy or use, but is not in danger of structural collapse, the Administrator shall post a placard of condemnation on the premises and shall order the structure closed up so it will not be an attractive nuisance to the public. Upon failure of the owner to close up the premises within the time specified in the order, the Administrator shall cause the structure to be closed through any available public agency or by contract or arrangement with private persons or contractors. The cost for closing up the structure shall be charged against the real estate upon which the structure is located and shall constitute a lien on such real estate.

MAINTENANCE OF EXTERIORS

§ 151.045 APPLICABILITY. The provisions of this subchapter shall govern the minimum conditions for maintenance of the exterior of property, premises and structures. Premises shall comply with the conditions herein prescribed insofar as they are applicable.

§ 151.046 MAINTENANCE BY OWNER. The owner of the premises or structure shall maintain the property in compliance with the requirements set forth herein. A person shall not occupy, as owner/occupant, or lease to another for occupancy or use, premises or structures which do not comply with the requirements of this code.

§ 151.047 VACANT STRUCTURE CONDITIONS. All vacant structures and vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause blight or to adversely affect the public health and safety. Penalty, see § 151.999

§ 151.048 EXTERIOR PREMISES.

- A. All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition, free from any accumulation of rubbish or garbage.

Cross-reference:

Weeds, see 93.20 et seq. (check section number)

§ 151.049 GARBAGE STORAGE CONTAINERS. The owner, manager or operator of every establishment producing garbage, vegetable wastes or other putrescible materials shall provide, and at all times, cause to be used, leak-proof containers having close-fitting covers for storage of the materials until such time as they are removed from the premises for disposal. The storage containers shall be located behind or to the sides of a building. All storage containers which are greater than one yard in size located in commercial areas shall be screened from residential areas and residential streets so they are not visible. All storage containers which are greater than four yards in size located in residential areas shall be screened from view so as not to be visible from open areas.

Comment [MSOffice1]: The committee talked about defining occupancy by saying so many people for a certain square footage but nothing was decided.

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Deleted: <#>Storage of material must, at all times, be enclosed or screened from adjoining property and from public view so as not to be visible from adjoining property or from a public street. (*92 Code, § 29-5-4) Penalty, see § 151.999

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Comment [MSOffice2]: Bob thinks it would be good to add in a procedure to correctly compost in this section for residential use. Nothing was decided.

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§ 151.050 STAGNANT WATER. All premises shall be graded and maintained in such a manner so as to prevent the accumulation of stagnant water thereon. Penalty, see § 151.999

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§ 151.051 LOADING AND DELIVERY AREAS. All loading and delivery areas, automobile service stations and drive-in food establishments shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter. The paved areas of the establishments shall be kept in good repair. Exterior lighting of commercial establishments shall be installed in such a manner so as to avoid illumination of residential areas as much as possible. Penalty, see § 151.999

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§ 151.052 RESPONSIBILITY FOR EXTERMINATION OF PESTS. An owner or manager of a structure or of property shall be responsible for extermination of insects, rats, vermin or other pests in all exterior areas of the premises, except that the occupant of a single-family dwelling shall be responsible for the extermination in the exterior areas of the premises. Whenever infestation exists in the shared or public parts of a premises or structure which is not a single-family dwelling, extermination shall be the responsibility of the owner, manager or operator of the premises or structure. Penalty, see § 151.999

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§ 151.053 RESPONSIBILITY FOR EXTERIOR AREAS. All sidewalks, steps, driveways, parking spaces and similar paved areas privately owned, but used by the public, shall be free from mud and other debris. If any sidewalk or driveway, or portion thereof, by virtue of its state of disrepair shall constitute a danger to public health and safety, the sidewalk or driveway, or portion thereof, shall be repaired or replaced. Penalty, see § 151.999

§ 151.054 WEEDS AND LAWNS. All areas shall be kept free from weeds from noxious weeds. Lawns shall not exceed eight inches in height. Penalty, see § 151.999

Cross-reference:

Weeds, see 93.20 et seq. (check section number)

Comment [MSOffice3]: Bob said he would like to have the Village enforce the problem areas, i.e. mowing of ditches, sidewalk to the curbing and Dennis said right now we don't have any way to force people to maintain those areas. Nothing was decided.

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Deleted: <#>Enclosure of storage yards. All open storage yards and areas shall be completely obscured from view by surrounding property by a solid fence (such as wood or slatted chain link) not less than six feet in height. This section shall not apply to areas where licensed, registered motor vehicles that are in good, safe and operable condition are operated on a regular basis. In those areas, a fence of not less than six feet in height is required.¶

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Deleted: <#>Penalty for failure of owner to abate the nuisance. If the owners allow the nuisance to exist or fail to abate the nuisance, the, and each of them, upon conviction thereof, shall be fined not less than \$50, nor more than \$500, for each offense and a separate offense shall be deemed committed on each day during or on which the nuisance is permitted to exist. ¶

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§ 151.055 STORAGE YARDS AND AREAS.

A. Nuisance. Unsheltered storage of old, unused, stripped, junked and other motor-vehicles not in good, safe and operable condition, and of any other vehicles, machinery, implement and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, which hereinafter are collectively described as "the personalty," for a period of 30 days or more, except in licensed junk yards, within the corporate limits of the village, is hereby declared to be a nuisance and dangerous to the public safety.

B. Abatement of nuisance by owners. The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of the village upon which the storage is made, and also the owner, owners and/or lessees of the personalty involved in the storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally abate the nuisance by the prompt removal of the personalty into completely enclosed buildings authorized to be used for the storage purposes, if within the corporate limits of the village, or otherwise to remove it to a location outside the corporate limits.

C. Abatement by village.

1. Whenever the owners fail to abate the nuisance, then the village shall remove the personalty to a location of its selection, the expenses therefore to be billed to the owners, jointly and severally, the bill to be recoverable in a suit at law.

2. When the personalty has been removed and placed in storage by the village, as provided for herein, the personalty shall be sold by the village after the lapse of time as is provided by law. If the proceeds of the sale are insufficient to pay the costs of abatement, the owners shall be liable to the village for the balance of the costs, jointly and severally to be recoverable in a suit at law. If the proceeds are in excess of costs, the balance shall be paid to the owners or deposited in the Village Treasury for their use. Penalty, see § 151.999

Deleted: ('92 Code, § 29-5-1) (Ord. 97-20, passed 9-3-97)

§ 151.056 **DISCHARGES TO ADJACENT PROPERTY.** No person shall construct, maintain or operate pipes, ducts, conductors, fans or blowers in a manner so as to discharge gases, steam vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property belonging to another. Penalty, see § 151.999

Deleted: ('92 Code, § 29-5-12)

§ 151.057 **ACCESSORY STRUCTURES.** All accessory structures, including detached garages, fences and walls shall be maintained structurally sound and in compliance with the requirements for exterior structures set forth herein. Penalty, see § 151.999

Comment [MSOffice4]:

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§ 151.058 **EXTERIOR OF STRUCTURES.** The exterior of a structure or building shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants or other members of the public and shall be maintained so as to protect the occupants from the elements.

Comment [MSOffice5]: The committee agreed this needed to be looked at more in depth.

- A. *Structural members.* All supporting structural members of all structures and building shall be kept structurally sound, free of deterioration and maintained so as to be capable of safely bearing the dead and live loads located within the buildings and structures.
- B. *Maintenance of foundations.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair.
- C. *Foundation walls.* All foundation walls shall be maintained so as to carry the safe design and support the operating dead and live loads of the building or structure. The foundations shall be maintained plumb and free from open cracks and breaks and be kept in a state of repair so as not to be detrimental to individual safety and welfare of citizens.
- D. *Exterior walls.* All exterior walls shall be free of holes, breaks, cracks, loose or rotting boards or timbers and shall be free of any other conditions of disrepair which might admit rain, dampness or wind to the interior portions of the walls or to the occupied spaces within a building. All exterior surface materials, including wood, composition or metal siding shall be maintained weatherproof and shall be properly surface coated where necessary in order to prevent deterioration.
- E. *Roofs and roof drainage.* Roofs of all buildings and other structures shall be structurally sound and shall not have defects which might admit moisture. Roof drainage shall be such so as to prevent rainwater and other types of moisture from causing dampness in the walls or the interior portion of any building or structure.
- F. *Maintenance of cornices.* All cornices, entablatures, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair and shall be properly anchored to a building or structure so as to be in a safe condition.
- G. *Maintenance of overhang extensions.* All canopies, marquees, signs, metal awnings, fire escapes, standpipes, gutters and downspouts, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and secure condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or by application of other protective treatment material.

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- H. *Chimneys and appurtenances.* All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe, sound and in a good state of repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or by treatment of a similar substance.
- I. *Stairway, porch and balcony.* Every stair, stairway, porch, balcony and all appurtenances attached thereto shall be so constructed and maintained so as to be safe to use and capable of supporting the loads to which it is subjected. They shall be kept in a sound condition and in good repair.
- J. *Windows and doors.* Every window, door and frame shall be constructed and maintained in relation to the adjacent wall construction so as to prevent rain and other types of moisture and wind from penetrating the interior of the dwelling or structure. Every window sash shall be treated with approved glazing materials and shall be free of cracks and holes. ¶Penalty, see § 151.999

Deleted: ('92 Code, § 29-5-14)

§ 151.059 SANITARY CONDITIONS.

- A. Every owner, manager, operator and/or occupant of a structure, building or part thereof shall keep that portion of the structure or premises which he or she occupies in a clean and sanitary condition.
1. *Disposal of rubbish.* Every occupant of a structure or building shall dispose of all rubbish in a clean and sanitary manner by placing it in rubbish containers equipped with tight-fitting covers.
 2. *Garbage disposal facilities.* Every occupant of a structure or part thereof shall dispose of garbage in a clean and sanitary manner by placing it in garbage disposal facilities or, if the facilities are not available, by removing all non-burnable matter and securely wrapping the garbage and placing it in tight garbage storage containers or by disposing the garbage in a manner as may be approved by the village code or other ordinances.
 3. *Placement of garbage.* Rubbish and garbage shall not be placed on the front property line for pick-up by the disposal service more than 24 hours prior to the time such pick-up will occur.
 4. *Building requirements for garbage.* Every building shall be supplied with an approved garbage disposal facility such as a mechanical sink grinder to be located within each dwelling unit or with approved outside garbage can or cans as required by this code. The facilities shall be sufficient to meet the needs of the occupants. Outside storage shall be screened on all sides so as not to be visible to adjoining residential structures.
 5. *Approved containers.* Every structure shall have adequate approved containers and covers for storage of rubbish and the owner, operator, manager or agent in control of a building shall be responsible for the removal of the rubbish.
 6. *Non-residential structure.* The owner or occupant of a non-residential structure or part thereof shall keep the equipment and fixtures located therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use, operation and maintenance of the equipment and fixtures. ¶Penalty, see § 151.999

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Every owner, manager or operator of a building containing two or more dwelling units shall maintain the shared or public areas of the building in a clean and sanitary condition.

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NOTICES; POSTING REQUIREMENTS

§ 151.070 NOTICE OF VIOLATION.

- A. Whenever the Administrator determines there has been a violation of this code or has reasonable grounds to believe that a violation has occurred or whenever the Administrator has condemned a structure or equipment under the provisions of this code, notice shall be given to the owner or the person or persons responsible in the manner as prescribed below.
- B. If the administrator has condemned the property or part thereof, he or she shall give notice to the owner and the occupants of his or her intent to post the property, to order equipment out of service and that the occupants vacate the premises.
- C. The notice shall:
 - 1. Be in writing;
 - 2. Include a description of the real estate sufficient for identification;
 - 3. Include a statement of the reason or reasons why it is being posted; and
 - 4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the structure into compliance with the provisions of this code and other applicable codes and ordinances. ↴

Deleted: ('92 Code, § 29-6-1) (Ord. 96-09, passed 8-7-96)

§ 151.071 SERVICE OF NOTICE.

- A. Service of the notice required in the previous section shall be deemed to be properly served upon the owner if a copy is delivered to the owner personally or by leaving a copy of the notice at the usual place of the owner's abode with someone residing there of suitable age and discretion who shall be informed of the contents of the notice. Notice can also be served by certified or registered mail, return receipt requested, addressed to the owner at his or her last known address.
- B. In addition to the forms of service specified above, notice when the structure is condemned must also include posting a copy of the notice in a conspicuous place in or about the structure affected by the notice and at least one publication of the notice in a local newspaper of general circulation within the village. ↴

Deleted: ('92 Code, § 29-6-2)

§ 151.072 CONDEMNATION ORDER; VACATION OF PREMISES.

- A. When a condemnation order is served on an occupant other than the owner or person responsible for compliance, a reasonable time to vacate the property after non-compliance shall be allowed and stated in the order.
- B. Owners or persons responsible for compliance, however, must vacate at the time set as a deadline for correction of defects if there is a failure of compliance. ↴

Deleted: ('92 Code, § 29-6-3)

§ 151.073 NON-COMPLIANCE. Penalties for non-compliance of orders and notices shall be in accordance with §§ 151.115 through 151.120. ↴

Deleted: ('92 Code, § 29-6-4)

§ 151.074 ISSUANCE OF CONDEMNATION NOTICE.

- A. When the condemnation notice required under the provisions of this code has been given and time allowed for repairs has expired without compliance, the Administrator shall post on the premises or structure or parts thereof, or on defective equipment, a placard bearing the words:

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“CONDEMNED AS UNFIT FOR HUMAN OCCUPANCY OR USE”

B. A statement of the penalties provided for any occupancy or use or for removing the placard shall be noted on that placard. The owner, or the person or persons responsible for the correction of violations, shall remove himself or herself from the property for his or her failure to comply with the correction order in the time specified. However, other occupants of the property shall be given a reasonable amount of time thereafter to vacate.

Deleted: ('92 Code, § 29-6-5) (Ord. 96-09, passed 8-7-96)

§ 151.075 CONTINUED USE OF STRUCTURE. Any person who shall occupy a posted premises or structure or part thereof or shall use posted equipment and any owner or person responsible for the premises who shall let anyone occupy a posted premises shall be subject to the penalties provided for herein. Penalty, see § 151.999

Deleted: ('92 Code, § 29-6-6)

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§ 151.076 LIFTING CONDEMNATION NOTICE. The Administrator shall remove the condemnation card whenever the defect or defects upon which the condemnation and posting action were based have been eliminated. Any person who defaces or removes a condemnation card without the approval of the Administrator shall be subject to the penalties provided for herein. Penalty, see § 151.999

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§ 151.077 EMERGENCY ACTIONS. Whenever ad Administrator finds that an emergency exists on any premises, or in any structure or part thereof, or on any defective equipment which requires immediate action to protect the public's health and safety or the health and safety of the occupants therein, the Administrator shall, with proper notice and service in accordance with the provisions stated herein, issue an order reciting the existence of an emergency and requiring the vacating of the premises or the action takes as the Code Enforcement Administrator deems necessary to meet an emergency. Notwithstanding other provisions of this code to the contrary, the order shall be effective immediately and the premises or equipment involved shall be posted immediately upon service of the order. A copy of that order shall be delivered to the Mayor and members of the Village Board immediately after it is used.

Deleted: ('92 Code, § 29-6-8) (Ord. 96-09, passed 8-7-96)

JUNK VEHICLES

§ 151.090 DEFINITION. For the purposes of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

JUNK VEHICLE.

1. Any vehicle which is without a current valid license plate and/or is in a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative or abandoned condition. A JUNK VEHICLE is also a motor vehicle from which, for a period of at least seven days, the engine, wheels or other parts have been removed or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.
2. A JUNK VEHICLE shall be classified as to its condition in one of the two following categories:
 - a) RESTORABLE. A junk vehicle that is in a condition whereby repairs to it could be made to place it in operating condition without exceeding its estimated value when repaired. Any restorable vehicle shall be allowed on a lot located in a residential area provided that it is enclosed within a garage structure.

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b) **WRECKED.** A junk vehicle in such a condition that it is economically unsound to restore it to operating condition considering the cost of repairs to be made, age of the vehicle, market value of the vehicle if it were restored or if, in the opinion of the Administrator, it is determined that such a classification for the vehicle is warranted. A wrecked vehicle shall not be allowed to remain or be stored on any parcel within a designated residential area unless enclosed within a garage. ,

Deleted: ('92 Code, § 29-7-1) (Ord. 96-09, passed 8-7-96)

Cross-reference:

Abandoned and Inoperable Vehicles, see Chapter 90

§ 151.091 **DECLARATION OF NUISANCE.** All junk vehicles, whether on public or private property and in view of the general public, are hereby declared a nuisance, and any person who violates any provision of this code pertaining thereto or who fails to obey a notice which states that such person is to dispose of that vehicle under his control shall be subject to the fines and penalties as provided for in §§ 151.115 through 151.120. ,

Deleted: ('92 Code, § 29-7-2)

§ 151.092 **ISSUANCE OF CITATIONS, EXCEPTIONS.** After ten days from the issuance of a citation, members of the Police Department may enter upon public or private property and remove any junk vehicle, or parts thereof, for the purpose of disposing of same. The cost(s) for the removal shall be paid by the owner of the property. However, nothing in this section shall apply to any motor vehicle that is kept within a building, nor does this section apply to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles. ,

Deleted: ('92 Code, § 29-7-3)

§ 151.093 **MULTIPLE VEHICLES FOR SALE.** The offering of two or more motor vehicles for sale at the same time on private property located within a residential area is prohibited. At no time and under no circumstances is the offering for sale of a junk vehicle or the sale of vehicle parts permitted in open areas on private property unless the property upon which it is situated is licensed by the village to permit such sale. For the purpose of this section, a "for sale" sign posted upon or adjacent to a motor vehicle constitutes an offering for sale and is prohibited unless specifically allowed herein. Penalty, see § 151.999

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§ 151.094 **UNLAWFUL SALE WITHOUT LICENSE.** Except as permitted by this code, it shall be unlawful to offer for sale any vehicle at any location unless the location is licensed by the village to permit such a sale. The owner of the vehicle, as well as the owner of the property upon which it is located, shall be liable for any violations of this code which pertain thereto. Penalty, see § 151.999

Deleted: ('92 Code, § 29-7-5)

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§ 151.095 **ENCLOSURE OF MOTOR VEHICLES.** Unless otherwise provided herein, all unregistered, inoperable or junk motor vehicles shall be garaged when in a residential district. ,

Deleted: ('92 Code, § 29-7-6)

Committee deleted Section 151.096 stating it was better covered under another part of the ordinance.

Deleted: § 151.096 **DISMANTLING PROHIBITED.** Unless otherwise provided for herein, no motor vehicle which is in a state of major disassembly, disrepair or which is being stripped or dismantled shall be permitted on any property located within a residential or a non-residential district unless the property is licensed for the use. The major repair or demolition of motor vehicles shall not be permitted in residential areas. ('92 Code, § 29-7-7) Penalty, see § 151.999

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§ 151.096 **UNLAWFUL PARKING.**

- A. All vehicles parked in a residential district shall be parked on a street, a clearly delineated driveway or within a garage.
- B. At no time shall a motor vehicle be parked, stored or in any manner be placed on the front, side or rear yards or otherwise allowed to create a nuisance to adjoining

property owners by placing the vehicle in areas other than herein provided. Penalty, see § 151.999

Deleted: ('92 Code, § 29-7-8)

§ 151.097 COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICT.

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A.

1. No more than one commercial vehicle shall be parked, stored or housed per residence within a residential district.
2. The commercial vehicle parked, stored or housed within a residential district must be owned by or assigned to the owner of the premises where the vehicle is situated and must be located on the owner's lot in the residential district.
3. The commercial vehicle shall be parked to the side or rear of a building on a clearly delineated driveway so as to be screened from view from the public right-of-way as much as possible.
4. For the purpose of this section, the following definition shall apply unless the context clearly indicates a different meaning.

Deleted: <#>The vehicle must not exceed seven feet in height and shall not be a school bus, tractor, trailer, dump truck, front loader, crane, tow truck or similar vehicle. ¶

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COMMERCIAL VEHICLE. A vehicle having been issued a "D" license plate by the Secretary of State. All other commercial vehicles having greater than a "D" license plate shall not be parked, stored or housed within a residential district.

- B. No refrigerated truck or trailer shall be parked within the village between the hours of 10:00 p.m. and 6:00 a.m. with the refrigeration unit in operation, except where the units are parked in parked areas specifically designed and established for group parking of the units or where the units are parked within properly zoned business districts and where the noise from the vehicles is not audible in adjacent residentially zoned districts.
- C. No diesel powered truck or trailer shall be parked within the village between the hours of 10:00 p.m. and 6:00 a.m. with the engine running, except where the units are parked in parking areas specifically designed and established for group parking of the units or within properly zoned business districts and where the noise from the vehicles is not audible in adjacent residentially zoned districts. Penalty, see § 151.999

Deleted: ('92 Code, § 29-7-9) (Ord. 95-18, passed 3-15-95)

§ 151.098 RECREATIONAL VEHICLES. The provisions of this code shall not be construed to amend or alter any provisions contained in other codes or ordinances regulating the parking and/or storing of recreational vehicles.

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Deleted: ('92 Code, § 29-7-10)

§ 151.100 APPLICABILITY. All provisions of this code shall apply to trailers and towable vehicles.

Comment [MSOffice6]: The committee asked Dennis to get clarification on this section.

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VIOLATIONS, PENALTIES AND REMEDIES

§ 151.115 CODE VIOLATIONS. It shall be unlawful for any person to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure or equipment regulated by this code when the conduct is contrary to or in conflict with or in violation of any of the provisions stated herein.

Deleted: ('92 Code, § 29-8-1)

§ 151.116 NON-COMPLIANCE WITH ORDER.

- A. In case any violation order is not promptly complied with, the Administrator may request the Village Board to direct the village's legal representative to institute an

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appropriate action or proceeding in a court of competent jurisdiction to collect the penalties provided for in § 151.999(A)

- B. Furthermore, subject to the provisions set forth in ILCS Chapter 65, Act 5, § 11-31-1, the Administrator may ask the Village Board to authorize the village's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:
1. To restrain, correct or remove the violation or refrain from any further work at that structure(s);
 2. To restrain or correct the erection, installation or alteration of the structure(s);
 3. To require the removal of work in violation of any provision of this code; or
 4. To prevent the occupation or use of the structure or part thereof erected, constructed, installed or altered in violation of or not in compliance with the provisions of this code or which is in violation of a plan or specification of which an approval, permit or certificate was issued by the village. ,

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§ 151.117 ACTION BY BOARD OF TRUSTEES.

- A. Subject to the provisions of ILCS Chapter 65, Act 5, § 11-31-1, the Administrator may recommend to the Village Board that it direct the owner of the premises upon which is located any structure or part thereof, which, in the Administrator's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, to raze and remove a structure or part thereof.
- B. Furthermore, the Village Board may direct the owner of a premises to repair, make safe and make sanitary a structure if it can be repaired or to raze and remove the structure at the owner's option.
- C. The Village Board may also direct the owner of the premises to demolish a structure where there has been a cessation of normal construction of the structure for a period of more than two years and the unfinished structure is so deteriorated that it warrants demolition. ,

Deleted: ('92 Code, § 29-8-4)

§ 151.118 TIME CONSTRAINTS.

- A. The order from the Village Board shall specify a time in which the owner shall comply therewith and specify repairs, if any, to be made. It shall be served on the owner of record, or an agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or a holder of the encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper of general circulation within the village.
- B. An extension of time to comply with an order of repair or demolition issued by the Village Board may be requested by the owner from the Village Board by filing the requests with the Village Clerk within five days of receipt by the owner of the notice of repair or demolition. ,

Deleted: ('92 Code, § 29-8-5)

§ 151.119 COMMENCEMENT OF COURT PROCEEDINGS.

- A. In the event the owner of the premises fails or refuses to comply with the order of the Village Board, the Village Board may direct the Village Attorney to commence court

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proceedings in accordance with ILCS Chapter 65, Act 5, § 11-31-1 to authorize the demolition or repair of the structure.

- B. The requirements and provisions of ILCS Chapter 65, Act 5, § 11-31-1 are incorporated herein by reference, shall be strictly complied with and shall supersede and take precedence over any provisions of this code or ordinances which are in conflict therewith.

Deleted: ('92 Code, § 29-89-6)

§ 151.120 SALE OF STRUCTURE AND MATERIALS. When any structure has been razed and removed, the Village Board, or its designated officer under a contract or arrangement for removal, may sell the salvageable and valuable materials at the highest price obtainable. The net proceeds of such a sale, after deducting the expenses of the razing and removal, shall be promptly remitted to the Village Clerk with a report of a sale transaction, including the items and the amount deducted for the benefit of any person, firm or corporation entitled to reimbursement for the expenses. The report to be submitted shall so state if there are no sale proceeds remaining to be remitted.

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CERTIFICATE OF OCCUPANCY

§ 151.135 OCCUPANCY PERMIT REQUIRED.

- A. It shall be unlawful for any person, owner or agent thereof to occupy or use, or to permit the occupancy or use of any single or multi-family dwelling unit for any purpose including the movement of furniture, equipment or other personal property into the premises until a permit of occupancy has been issued by the Administrator. The certificate so issued shall state the occupancy complies with all of the provisions of this code as far as can be determined by a visual inspection of the premises and a review of the records.
- B. The fee for the occupancy permit/final inspection shall be \$15 for each dwelling unit or building, or portion thereof, occupied. If an inspection certificate has been issued, then an occupant may move in on weekends and holidays when the department, responsible for issuing occupancy permits, is closed. The occupant is required to obtain the permit written three days after the Department is open.

Comment [MSOffice7]: The committee talked about having the future occupant be responsible for applying for the occupancy certificate.

Deleted: ('92 Code, § 29-9-1) (Ord. 96-09, passed 8-7-96; Am. Ord. 96-18, passed 10-2-96)

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§ 151.136 APPLICATION. It shall be unlawful for any person to knowingly make any false statements on an application for an occupancy permit for a dwelling unit as to the names, relationship or number of occupants who will occupy the dwelling unit. Penalty, see § 151.999

§ 151.137 ACTION ON APPLICATION.

- A. The Administrator shall examine, or cause to be examined, all applications for permits within a reasonable time for filing. He or she shall cause the premises to be inspected within seven working days after filing. If the premises are not inspected within seven working days, then the permit and certificate of compliance shall be automatically issued without an inspection. If the premises are not in compliance with this code and all laws and ordinances applicable thereto, the Administrator shall provide the applicant with a list of defects that are not in compliance. The defects shall be listed with as much as specificity as possible. The owner or occupant of every dwelling unit and its premises shall give the Administrator free access thereto, at all reasonable time, for the purpose of the inspection.
- B. A reinspection shall be made within seven working days after a written request for reinspection has been made to the Administrator. If the premises are not reinspected

Deleted: An inspection shall be valid for a period of one year. The dwelling unit does not have to be reinspected during the year, even if the occupancy changes. There shall be no fee for the original inspection, or the first reinspection, if necessary.

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within the seven working days, from receipt of the written request, then the permit and certificate of compliance shall be automatically issued without a reinspection. If specific defects are found in the original inspection, the Administrator shall not require additional defects to be corrected that were discovered on a reinspection unless the new defects occurred after the original inspection.

C. There shall be a fee of \$50 for every reinspection after that first reinspection.

§ 151.138 ISSUANCE OF PERMIT. If all the fees are paid and the Administrator is satisfied that the premises and its occupancy are in compliance with this code and all laws and ordinances applicable thereto, the Administrator shall issue the occupancy permit as soon as practicable. Committee deleted Section 151.139 - Conditional Permit.

§ 151.139 REJECTION OF APPLICATION. If the application does not comply with the requirements of all pertinent laws, the Administrator shall reject the application in writing, stating the reasons therefore.

§ 151.140 SUSPENSION OF PERMIT. Any permit issued shall become invalid if the occupancy is not commenced within six months after issuance of the permit or if the occupancy is terminated.

§ 151.141 REVOCATION OF PERMIT. The Administrator may revoke a permit in cause of any false statement or misrepresentation of facts in the application on which a permit was based, or in the event a structure or part thereof is condemned pursuant to this code.

§ 151.999 PENALTY.

- A. Any person, upon conviction of violating any provisions of this code, shall be fined not less than \$50, nor more than \$750 for each violation. The Administrator is authorized to issue a citation for each day that a violation continues after due notice has been served and each citation shall be deemed a separate and distinct offense.
- B. Any owner or occupier of any premises violating §§ 151.135 through 151.142 shall, upon conviction, be fined \$100. Each day an occupancy continues without complying with this code shall be considered a separate offense and is subject to a separate fine.

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No inspection shall be required under this subchapter for a dwelling unit that is less than five years of age. ('92 Code, § 29-9-3) (Ord. 96-09, passed 8-7-96)

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<#>Occupancy shall be permitted on a conditional basis when in the judgment of the Administrator practical difficulties interfere with completing all repairs required to bring the premises into full compliance with this code prior to permitting occupancy. ¶

<#>However, no conditional permit shall be issued when there is a condition on the premises which can threaten the health or safety of an occupant. ¶

<#>No conditional permit shall be issued under the provisions of this code for which a change in use is proposed unless a certificate of use and occupancy has first been issued under the provisions of the Building Code and/or Zoning Code. ('92 Code, § 29-9-5) (Ord. 96-09, passed 8-7-96)¶

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VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Rita Baker
Charlie Mattern
Kevin Groth
Corby Valentine
Steve Smith
Tony Miller

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
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VILLAGE ADMINISTRATOR
Dennis Herzing

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
Ronald Dintelmann

POLICE CHIEF
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY
Stephen R. Wigginton

COMMUNITY IMPROVEMENT BOARD
Monday, November 10, 2008
7:00 p.m.

The Community Improvement Board meeting was called to order at 7:25 p.m. on Monday, November 10, 2008, by Mayor Ray Danford. Members present were Chairman Ray Danford, Village Administrator Dennis Herzing, Zoning Administrator Phil Borger, Residents Dave Favre, Jim Jacobs, Bob Koerber, Dale Klohr, John Davinroy. Not present: Kevin Groth, Rob Harris and Steve Woodward.

- A. OLD BUSINESS:** None.
- B. NEW BUSINESS:** First Meeting of the Community Improvement Board.

Mayor Danford welcomed everyone to the first meeting of the Community Improvement Board and said the Legal/Ordinance committee has had some complicated issues that they have been slow to reconcile. All of the people present at this meeting have points of interest that are appropriate for this committee. Ray said some of the issues we have been dealing with are: 1. Rather than waiting for buildings to get into a complete state of dilapidation, we would like to prevent the process of having to tear them down, something more than fining them if their grass is too tall, looking at structural deterioration; 2. Also, the issue of whether there should be any type of control over the type of commercial buildings that are being put up in town, i.e. pole barns on the road through town; 3. Complaints about landlords not keeping their buildings up to a nice standard of living conditions. We currently do not have a review or inspection process between new landlord tenant agreements. At this point, we are curious as to how the people on the board feel about these issues and also their interest level. Do they think this should be a permanent committee or a temporary ad hoc committee?

Dennis explained the documents passed out tonight: 1. Nuisance abatement code - was put together by Dennis structured from Maryville's code; and 2. Property maintenance code - either is or very similar to the County. Both documents are aimed at addressing the problems Ray mentioned other than the material requirements for commercial buildings. Dennis said we don't want to get so restrictive that it forces people to build elsewhere. Dale asked what the city has now. Ray advised we can't do much now other than situations like tall weeds, debris in the yard. He said the County needs to enact their penalty system. He would like to be able to see that enhanced, i.e. gutters hanging down, broken out windows. Dennis confirmed we want to put something in our ordinance to ensure residents maintain their property to avoid demolition.

Dave Favre said he opposes any kind of maintenance code that requires inspections for occupancy. He feels Freeburg is as good or better than any other towns he works in. He would like to see a program where a group of people get together to clean up eyesores or help haul away debris. He thinks it will also hurt the people that move into a residence and fix it up over time as they can afford it. Dave feels people should be able to live in a safe, clean home, but also have to work within their budget. Dennis said a true property maintenance code would address the issues of neighbors that keep junk in their yard, keep

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the grass too high, etc. Ray said the last thing we want to do is make someone come up to code but doesn't have the money to do that. Ray asked the committee if they felt we are doing all we need to be or should we do more? Dale said he would like to see a summary of issues the city has dealt with over the past couple of years. Dennis said since we don't have a code, it would be hard to find that information. The only ones we have acted on are the homes that have been demolished. John Davinroy asked if we have anything in place when someone takes an old house and rehabs it and Dennis advised no, we do not have a permit process for this. Dennis further said if they expand the structure and make major renovations, they would get a building permit. Someone who is just making interior repairs or remodeling, there is nothing in place. John felt that was something that should be put into place, it would put the properties in a better position later to meet code. Bob said if a home is livable, you should be allowed to live in it while you work on it. John said when the walls are opened up and the surface is taken off the wall, an inspection should be required. Dennis advised we use the International Building Code which is the same code as St. Clair County.

Bob said he believes in code but believes they have to be properly administered. He said a lot of the codes are there to protect the property owner. He believes in inspections but done properly and without infringing on the property owner's rights. He thinks the property maintenance code is needed but doesn't want it too restrictive. Dennis briefly talked about a property maintenance code with respect to historic buildings stating the rules would be more restrictive in that situation. Ray said some towns have addressed that issue by forming a preservation committee to address how the home is being designed and how it fits into the community they are moving into. Ray also said that is one way of addressing the issue--create an architectural review board and have them control what is being built without making an ordinance forcing everyone to conform to the same building standard. It would be part of the application process.

Jim Jacobs said you are looking at appearance and safety. His company works in several cities in rebuilding and almost all municipalities he works in require permits and inspection processes. He said it is done for safety reasons. He said there are a lot of complaints about Belleville, but as a whole, the City of Belleville has fewer fires than other municipalities in the area. John Davinroy said if you follow the rules and do your job right, everything goes pretty smoothly. Jim said there are homes in definite need of attention that need to be addressed and we are here to determine how to approach that. Dale asked if the city inspected sales of existing homes and Dennis advised no.

The members of this committee include: Jim Jacobs served on the high school board for 26 years and owns two companies--one does air duct and carpet cleaning and the other company does disaster restoration work for insurance companies; Dale Klohr is a retired District Engineer from IDOT for 20 years; John Davinroy of Davinroy Plumbing, a licensed plumber; Bob Koerber is a retired heavy equipment operator and former business owner of an excavating company, he has been on the Zoning Board of Appeals for 34 years, he has been in the Fire Dept. for 40 years and Fire Chief for many years; Dave Favre, Jr. is owner of Dave's Home Improvement and also a landlord; Phil Borger is the current Zoning Administrator and local barber. Ray also asked Rob Harris (owner of Harris Electrical Contracting) and Steve Woodward (member and current Chairman of Plan Commission) to be part of the board but they were unable to attend tonight.

Ray advised we are in the process of updating our current Comprehensive Plan and are trying to come up with a solution to grow comfortably without infringing upon our neighbors, keeping your business districts in the right areas, envision where private homes might be built around existing infrastructure and where we have to plan for future growth. There is also new growth in the old part of Freeburg and need to monitor that, i.e. noise

issues that crop up with the new growth. Ray said he likes the town the way we have it but also would like to see young people to move into Freeburg. He said we need to do something but am looking for direction from this group on where the lines need to be drawn.

The Legal/Ordinance Committee is comprised of Chairman Kevin Groth, Trustee Rita Baker and Trustee Charlie Mattern. Dave asked why no-one from the committee was present at the meeting. Dennis said Kevin fully intended being at the meeting but got sick. Dave asked to be notified when some of the committees met. Dennis advised Legal/Ordinance is not actively working on this topic right now. They are looking for this committee to do something with it. Ray said we need to look at if we need to do more or just do a better job with what we have in place right now. Ray would like a consensus from this group on whether anything needs to be done or not. Ray asked if anyone had a specific agenda or if he should throw out some hot issues to be addressed.

Jim said parking cars in the yard devalues the surrounding properties. Bob said he doesn't like the cars parking on the wrong side of the street. Ray said some of the issues the local police came come down heavier on if we ask them to. If we write them into the ordinance, it is easier to enforce. Dave would like to see some specific instances in town where they could be addressed by the sample codes passed out tonight.

The next scheduled meeting of the committee will be held on Monday, December 8, 2008 at 7:00 p.m.

ADJOURN: *The meeting ended at 8:54 p.m.*



Julie Polson,
Office Manager

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Rita Baker
Charlie Mattern
Kevin Groth
Corby Valentine
Steve Smith
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VILLAGE TREASURER
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PUBLIC WORKS DIRECTOR
Ronald Dintelmann

POLICE CHIEF
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY
Stephen R. Wigginton

COMMUNITY IMPROVEMENT BOARD
Monday, December 8, 2008
7:00 p.m.

The Community Improvement Board meeting was called to order at 7:00 p.m. on Monday, December 8, 2008, by Mayor Ray Danford. Members present were Mayor Ray Danford, Village Administrator Dennis Herzing, Zoning Administrator Phil Borger, Trustee Kevin Groth, Residents Dave Favre, Jim Jacobs, Bob Koerber, Dale Klohr, John Davinroy and Steve Woodward.

A. OLD BUSINESS: Mayor Danford said we left the last meeting with the assumption it was a good place to start with our current nuisance code and see whether we need to better enforce what we currently have or if some changes to it would be a good idea. Dave Favre asked if anyone from the Board had identified specific issues the Village was trying to rectify. Ray said he is looking at properties that are headed towards condemnation and ways to prevent that. Ray said Kevin's committee has also looked at whether we need to upgrade construction codes specifically for new businesses. Lastly, Ray said it was up to this committee, what type of general nuisances seem important to them, i.e. how strict do we need to be? Have property values been hampered by the way the Village does things? Dave said he sees properties that need work, i.e., the carport falling down on Richland, and stated he would rather see someone help out a property that needs to be fixed rather than take them to court. Bob said he read the Village's existing ordinance, the County ordinance and the one from Maryville. He said the bottom line is enforcement and thinks we need to find an effective way to get the job done. Dennis said when the properties get in that bad of shape, it's usually easier to get them torn down because owners don't want to deal with them anymore. Unfortunately, we had a couple of owners that wanted to fight the process. Bob brought up the old Foundry building to use as an example and asked how far do we want to go on what rules to enforce? He thinks the County code is too restrictive and stated he does not want to see a code implemented that is too restrictive including an occupancy permit where a young couple can't buy a house and re-model it one room at a time. He does think if a home is remodeled to the point where it has to be gutted, then it has to be 100% done by code. Kevin said he also doesn't want to see a situation where you have an elderly person trying to sell an older home and have to put a large sum of money into it to bring it up to code to sell it. Dennis said we don't have any program in place for an interior remodel, only if you add on. Dale said he is not in favor of requiring a permit to remodel a room of a house. Steve said there should be an inspection if you are going to alter the wiring or alter the plumbing.

Bob feels the buyer should be responsible for having the prospective property inspected before purchase. John thinks an inspection is needed if you are going to open up the walls, if you aren't, no inspection should be needed. John said by state code, you are supposed to have it inspected. John said the requirement to have a permit needs to be enforced locally. Phil said it may come down to when a house gets sold, it gets inspected, i.e., plumbing, electrical, and the prospective buyer signs off on it and either agrees to do the work himself or require the seller to fix any problems. Dennis said this could have a negative financial impact for the seller. Bob said he believes in inspections for new construction. Dale said maybe an ordinance should be passed requiring the seller to have

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VILLAGE BOARD OF TRUSTEES MEETINGS ARE HELD ON THE FIRST AND THIRD MONDAY OF EVERY MONTH

an inspection performed prior to the sale of the home. Most lending institutions require those now for loan purposes. Ray advised there are a lot of variations in those inspections which puts the responsibility on the seller to disclose any problems. John believes the inspection process for home purchases is a good idea. Dave thinks that decision should be left up to the individual and not enforced by the Village. He thinks we should make the effort towards problems we can identify. Bob has asked people around town and all have said they don't want to see a code as restrictive as Belleville and also stated the Koesterer house shouldn't have gotten as bad as it did. Dennis said part of the intent in forming this committee is to decide if we are going to do anything, and if we do, how do we make sure it's not too restrictive. Ray said it might be worth discussing, on a complaint basis, we do an inspection to determine if there is a real hazard to living there. Kevin said the most recent example was a call received from a contractor who had been working in a home in Freeburg stating mold was running rampant in that home and that the owner had no intention of taking care of the problem and told the contractor to cover it up. The contractor asked if the Village had any power to do something about it and we don't. The contractor also contacted the Health Department and they told him to contact the Village. Dave said this is another instance of where do you draw the line. Ray said do we then tell the property owner they can't run their business, live there, etc., until the problem is fixed. Bob said something needs to be in the ordinance that addresses this and gives us the power to address it. Dennis said it gets complicated on determining where there is a problem. Who is going to pay the expert to determine the problem? Ray said if you go on a complaint basis, the problem comes in on determining who is right.

Bob referenced Section 151.28(e) of our code which states, "Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein." It goes back to how we enforce our ordinance. Dennis said you will then have to spend some money to prove the owner wrong. Ray said it still brings up the question of how far do you want the Village to take it. Do you want the Village to have Phil post it not suitable for habitation, have the building condemned. Dave thinks with the new system in place (Koesterer house), the Village will be a lot quicker to rectify the situation and not let it get to the condemnation point. Ray asked about the bowling alley. He said it is getting to the stage where we want to do something with it now. Ray said currently the Village takes action when it becomes a public safety issue. We have a structural engineer determine that it is unsafe and then condemn it. Dennis said it is very difficult to get anything done with people living in there. The judge is not very likely to throw people out on the streets. Ray thinks the bank should be held to a standard with regard to the bowling alley and advise them the roof should be fixed. Dave asked if our ordinance would address it and Ray advised no, probably not. Kevin says the people he has talked to want to see something happen with the issues such as gutters falling off, broken windows, etc., and see they get fixed in a timely manner.

Chapter 94 is our existing nuisance code and Dennis advised we do use it. Dave asked Ray if the Village and Chamber had thought about identifying properties like the bowling alley, to possibly give financial incentives to demolish or rehab them to get those properties back in service. Ray said it's a good idea but it goes back to the issue of where the money comes from to do that. Dennis said those types of projects are done either through a TIF District or an enterprise zone but we don't have any of those that would qualify which gives us a funding source. Dennis said another mechanism that some cities use is they rebate their municipal sales tax to encourage a project, but we don't have a local building supply company so that mechanism isn't available to us. Dale said he doesn't have a problem with the inspections as long as the basis for the inspection is safety related. With regard to the situations such as the bowling alley, you almost have to wait until it

becomes an obvious nuisance and then let the nuisance code take over. Dale said in looking at the Village's nuisance's code, the agricultural, light industrial areas need to be separated from the residential areas. Dennis said when we added the new language on leaf burning, we did exempt agricultural zoning. Dennis agreed this should be reworded. Ray said for a simple fix, we could exempt agricultural areas.

Kevin said the Legal & Ordinance Committee also discussed the topic of material requirements on commercial buildings. Kevin said quite a few people said there should be requirements in place for buildings put up especially in a business district. Bob disagrees the pole barn building is a bad type of building because that is one of the main structures built for businesses. Kevin said he thinks the problem is more with the front of the building and also that it is a metal building. Ray said we had a lot of discussion on trying to determine the parameters for the look of the building, i.e. brick on the front, flat roof vs. gable roof, metal vs. wood. Kevin said the Legal & Ordinance committee came to the decision that one metal building along the highway may not look bad, but do we want a string of them along the highway in the business district with no improvements to the building. Dennis said the glass window in the front of the car dealership adds to the appearance of that building. John said he thinks everyone agrees a metal building is not a bad structure for a business but maybe put stipulations that brick work be added to the front to enhance the look of the building. Kevin said the committee was stuck with how far we want to go. Ray said he would like to see any building that goes in conform with the neighborhood. Dennis said he and Ray researched some of the surrounding towns' code and most of the ones that had stringent requirements for building materials are doing it to match an existing architecture. Bob said most of the newer commercial buildings put up require an architectural seal and suggested the Village could have it in the ordinance the plans be presented before they start work on it. Dennis said we need to define what is and is not acceptable.

Steve commented if an accessory building is going to be put on a lot, it needs to conform to the existing building on that lot. Steve said we need to stop dancing around the issues and decide whether we are going to follow through with them. Steve said if we are trying to attract people to move to Freeburg, we are going to have to spend money to do that. He used the swimming pool and instituting an inspection process as examples. He also said we created the problem with the bowling alley. We could have granted the variance for the apartment complex but didn't. John said it's like covenants for a subdivision. You have to have so much brick on your home, so many square feet, etc. If you don't like it, you don't build in that subdivision. John said guidelines can be set on what type of buildings are put in on Apple Street and the highway to make the appearance more presentable and also to fit in with what is there.

Ray said the committee needs to decide if there is a problem with our ordinance, specifically for nuisances. Should we control the growth in such a way that nuisances are not going to be a problem down the line. If that is in agreement, then it is just a matter of going through the ordinance and picking out what we want to enforce and what we don't, thereby holding everyone to the same fair standard. Do we keep things as they are and just take care of the problems when they become a blight, or do we care enough that we want to draw up some standards that will be enforced for those who do not follow those standards. If we do, we could have a community board that would make a determination--- have that part of the building permit, it would have to be presented to the community board who would then make the decision if it fits into the community. Kevin agreed and said it is needed but it needs to be defined on how far do we go? We were hoping this board could give us some better direction on that.

Steve said his personal opinion is he thinks it should go pretty far. John thinks we need something in place to take care of problems like Bill's Autobody. He thinks more needs to be done. Dave asked why would you want to make more rules if you don't enforce the ones you have. John asked if we have something in place to take care of that and Kevin replied we have the Village attorney working on that situation right now. Kevin would like to see cars towed out of there. Dale said you have penalties written into your nuisance code and you need to use them. Ray said that is true but realize you have a court battle because we say they are junk cars and he says they are spare parts. Ray said we need to rewrite our ordinance to cover those instances, where do you hold those standards?

Dale said from tonight's meeting, he has heard three big issues: 1. is the current nuisance code good enough to handle nuisances; 2. do you want to have inspections based on complaints; and 3. having new buildings conform with the existing neighborhood. He thinks they are all good recommendations. Kevin asked the committee do we continue from here? He thinks the committee does, choose a chairperson, work as an independent committee and then report back to the Legal & Ordinance committee on which way you think they should go. Dennis said if you do move forward with this, it will take a lot of work and time. Bob thinks the committee still needs to go through the information previously provided to see what we currently have in the code. Then we will have an idea of how restrictive we are/need to be, put in there what we think should be included and the enforcement. Bob thinks there is a lot in the code already in there. Kevin said there are things in the nuisance abatement code from Maryville about exterior maintenance that he doesn't think we have in our code book that should be included. Kevin asked the committee if they are willing to put in the time to work on this project. Bob thinks it's important for Kevin and Ray.

Ray said this committee is strictly a recommending body. Everyone agreed to continue the committee. Ray said he would like to see this committee become a permanent one in the future.

The next scheduled meeting of the committee will be held on Monday, January 12, 2009 at 7:00 p.m.

B. NEW BUSINESS: None.

ADJOURN: *The meeting ended at 9:00 p.m.*



Julie Polson,
Office Manager

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Rita Baker
Charlie Mattern
Kevin Groth
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Steve Smith
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POLICE CHIEF
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY
Stephen R. Wigginton

COMMUNITY IMPROVEMENT BOARD
Monday, January 12, 2009
7:00 p.m.

The Community Improvement Board meeting was called to order at 7:25 p.m. on Monday, January 12, 2009. Members present were Mayor Ray Danford, Village Administrator Dennis Herzing, Zoning Administrator Phil Borger, Trustee Rita Baker, Residents Dave Favre, Jim Jacobs, Bob Koerber, Dale Klohr and Steve Woodward.

A. OLD BUSINESS: The topic of choosing a chairperson was briefly discussed (with no volunteers). Bob said what we need to decide what we are going to do and Dennis said he thinks Ray would like to see this group come back with recommendations to the Legal & Ordinance Committee. Bob said he has talked to a lot of people who feel they don't want anything too strict. Dennis said we need to decide to either take the code that he wrote and water it down or take the existing code and revise it. Both Dennis and Bob said the County code is too restrictive. Dave had some suggestions with regard to dilapidated buildings. He thinks the Village should create an ordinance that addresses these buildings where you would define a derelict building as one that has three issues, i.e., lot not maintained, roof damage, broken windows, loose gutters, etc. This gives you a way to address a building that is headed in a direction that you don't want them to. Steve pointed out in Maryville's code where they address exterior of structures, i.e., structural members, maintenance of foundations, foundation walls, roofs and roof drainage, etc. Dennis sees merit in a checklist of potential problems but to qualify as a derelict property you would need three of the items. The ordinance would assign a time limit on when the issues need to be taken care of or fines could be issued if they are not taken care of in the time specified. Steve said in looking through the code, he found some definitions that he would like better defined, i.e. abandoned. Dennis said some sections in the code have definitions but that only applies to that section. He doesn't think we have an overall definition section for the code book. We might want to in the County's statement in 29.24, "Terms not defined."

The committee agreed to start reviewing Maryville's **Chapter 151: Dangerous Buildings; Buildings as Nuisance.** Steve asked under the Maryville code, would the code enforcement officer be Phil? Bob asked Phil if he wants it that way and does he get enough authority to follow through on a problem? Dennis said a cop is usually taken out when a situation might warrant one. Steve pointed out the code enforcement officer is addressed in 151.002 and should include utilization of a police officer when needed. Dennis doesn't want it too restrictive where Phil can't go anywhere without a police officer.

Unsafe Structures and Equipment

151.015 Condemnation of Structures: (A) Ok. (B) Bob thinks we have to be careful with determining what is bad and what isn't and how it is enforced. Dale said if we aren't going to inspect buildings, we would never know if there is unsafe equipment inside. Dennis advised the committee this code was prepared by the Village Attorney for Maryville and Dennis used it as a template.

151.016 Definitions: Okay. Dennis said this paragraph clears up what we were just talking about.

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Monday, January 12, 2009
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VILLAGE BOARD OF TRUSTEES MEETINGS ARE HELD ON THE FIRST AND THIRD MONDAY OF EVERY MONTH

Unfit or Unlawful Structures

151.030 Structures Unfit for Occupancy: Ok.

151.031 Definition Unlawful Structure: "1. One found in whole or in part to be occupied by more persons than is permitted by the Village code." Phil advised this is not addressed in our village code. Dennis said our code doesn't define occupancy levels or what constitutes a family. The committee talked about defining occupancy by saying so many people for a certain square footage. Dale asked if we are going to start performing inspections and that this section should be worded differently if we are. Dennis thinks Maryville has inspections. Dennis said there are no inspections on changes in occupancy. Dennis will look into revising the Village code regarding number of people for so many square feet. The County's requirement is in 29.32. Dennis also said we may want to consider measuring it by so many gross feet per household to accommodate a certain number of people. Ray said Maryville has an application process for an occupancy permit where relationship and number of occupants who will live in the dwelling is required on the application. Ray said he is leaning towards the square footage requirement.

151.032: Vacant Structures: Steve questioned if there is a set of instructions or state requirement or written criteria for closing up a building. Dennis said he is not aware of any but we have always operated under the assumption that if it is readily accessible without tools, it is open. Steve asked when does a vacant structure become an abandoned structure. Ray's opinion is as soon as the taxes are not paid.

Maintenance of Exteriors:

151.048: (B) "Storage of material must, at all times, be enclosed or screened from adjoining property and from public view so as not to be visible from adjoining property or from a public street." Dale said he could understand if you are talking about a junkyard, but does not think this should apply to a residence. Bob thinks this should be common sense oriented. Paragraph A addresses keeping property maintained and Dennis advised our nuisance code also addresses this. Paragraph B was deleted.

151.049: Garbage Storage Containers: The issue of composting was discussed and this paragraph would eliminate the ability for a resident to do that. Bob thinks it would be good to add in a procedure to correctly compost in this section for residential use.

151.050: Stagnant Water: Bob said we need to address runoff and thinks it is in our code to some extent. Dennis said this is addressed in our Subdivision Code and also said we have been talking about once a subdivision is accepted, the Village doesn't maintain those drainage easements. It is the property owner's responsibility to do that. When someone comes in and changes the drainage on their lot and creates this situation, we are struggling with how to address this problem. Dennis would like to see this stay in. Ray said the controversy comes in on the issue of who is going to take care of the problem. He also said we want to hold the homeowner responsible for fixing it. Dale said the law states the homeowner can do anything on his property but the flow of the water can't be blocked on the property and must flow through at the same rate.

151.051: Loading and Delivery Areas: Steve said this is already addressed in our Zoning Code, 155.250. Bob thinks the issue of maintenance should be added to the Subdivision Code. It was agreed to keep this section in.

151.052: Responsibility for Extermination of Pests: Left in as is.

151.053: Responsibility for Exterior Areas: Bob asked if the Village can have problem areas enforced, i.e. mowing of ditches, sidewalk to the curbing. Dennis said right now we don't have any way to force people to maintain those areas.

151.054: Weeds and Lawns: Dale commented agricultural areas should be eliminated. Dennis said we have not tried to enforce our weed ordinance on agricultural areas. The first sentence was changed to read, "All areas shall be kept free from noxious weeds. Delete, "or wild plant growth."

151.055: Storage Yards and Areas: (A) Enclosure of storage yards. Bob asked if this section would address the Bill's Autobody problem. He said a lot of people in town are

complaining about it. Dennis said our attorney has advised our code is strong enough to address that issue. Dennis and Dale both said they weren't sure what the terms "open storage yards and areas" meant. Dale thinks the Dambacher area would constitute an open area. Ray said another example would be Andersons and Bob said Ace would be too. Dale said if we leave (A) in, we are becoming less business friendly. Bob said he would like to see storage areas addressed. Dennis said we already have in the code where a commercial property abuts a residential property, it is supposed to be screened. Dale brought up the penalty section (D) and said we should use Section 151.199 Penalty instead of creating a separate penalty within Section 151.055. Paragraph (D) was deleted. Therefore, the paragraphs read as follows: Original paragraph (A) Enclosure of storage yards is deleted, Paragraph (B) Nuisances becomes (A); Paragraph (C) Abatement of nuisance by owners becomes (B); Paragraph (D) Penalty for failure of owner to abate the nuisance is deleted; and Paragraph (E) Abatement by village becomes paragraph (C). Bob wanted to see language added in paragraph (C) Abatement by village to specify the timeframe once the village takes over the property, how long the property owner has to fix the problem. Dennis said that is covered under Section 151.070 Notice of Violation and is written so that it will give Phil the flexibility depending upon the situation to say the property owner can have a week, a month, etc., to clean up the problem. The time to correct the problem would be specified in the Notice of Violation. It was agreed Paragraph (C) Abatement by village applies only to Section 151.055.

151.073: Non-Compliance: Bob brought up this section and it referenced Sections 151.115 and also 151.120. After reading both of those sections, Dennis thinks it should refer to section 151.199 not 151.120. Rita pointed out Section 151.073 Non-Compliance says, "Penalties for non-compliance of orders and notices shall be in accordance with Sections 151.115 through 151.120.

151.056: Discharges to Adjacent Property: Section okay.

151.057: Accessory Structures: Section okay. Steve asked if we are ever going to write that an accessory structure be complementary to the main structure. Dennis said complementary is hard to define. Steve said it needs to blend in and used subdivisions as a good example. If you put an accessory building on your lot, it needs to be made of the same material as the main structure. Bob said that is why the subdivisions have covenants so the village doesn't have to get involved. Ray said the problem comes in when you are trying to apply these laws to older sections of town. Steve brought up the Hill building saying it matches the existing one. Steve said he thinks the more visible properties on State Street need to have complementary structures. Dennis said he agrees with the concept but would be very hard to enforce. Ray said this is a concern of the trustees and they would like this committee to address this issue, i.e., not allowing businesses to use certain building materials because of how it will look. Dennis said that would be much more doable if you require it in certain areas of the village. Dale thinks one way to control this might be by creating a committee that would review each permit. Dennis said a lot of towns do it by an architectural review board. That is part of the building permit process. Bob thinks that is going too far and out of the realm of the average Freeburg citizen. Dennis said when they researched that, they found that more in a certain type of architectural area, i.e., historical district. Bob said we really don't have a business district in town, it is scattered. Jim said he is of the opinion that he does not want to see the "pole barn type" buildings going up in town, i.e. Hills. Ray would like to see the buildings maintained. Steve wanted to know if we are going to go into the B2 district, it would be addressed somewhere else in the code, i.e. complete masonry front. Dennis doesn't think this is the place for it but could put it into the zoning code. As new buildings are built, you would make that a requirement. Steve thinks we need to control how the Village is going to look stating we don't want pole barns in the B2 district from here to Belleville. Dale said you need to be careful with the wording. Jim used O'Fallon and Shiloh as an example of towns that do have building requirements. Dale asked Dennis to contact the other towns to

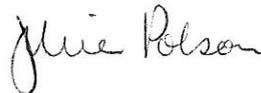
see how they handle the material requirements for commercial buildings issue. It will go in the Zoning Code, B2 district. The committee agreed not to change 151.057.

151.058: Exterior of Structures: Steve said this could be where Dave's suggestion of the problem structure checklist be put in. You want to be able to address the problems before the building falls down. Dale said there may be a problem where you only need that one problem to take action, i.e. structural members or chimney, where it is a true safety concern. Dennis said maybe you could have two lists: 1. serious safety problems where any one item on the list is enough to do something; and 2. another list where they aren't critical and need three to take action. Bob said he would like to see soffits and fascia added to Paragraph (G). The committee agreed to look at this section more in depth. Ray thinks Maryville relies heavily on the inspection process and if we take that out, they may change our tone of thinking on several of these issues. Phil said maybe you could look at it on a complaint process basis. He also brought up starting up a fund for people that can't afford to get the problem fixed. Bob said you could go to the Local Union and ask them for help. Dennis said maybe you could give them more time on the notice to fix the problem.

The next scheduled meeting of the committee will be held on Monday, February 9, 2009 at 7:00 p.m.

B. NEW BUSINESS: None.

ADJOURN: *The meeting ended at 10:00 p.m.*



Julie Polson,
Office Manager

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Rita Baker
Charlie Mattern
Kevin Groth
Corby Valentine
Steve Smith
Tony Miller

VILLAGE OF FREEBURG

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Web Site: www.freeburg.com

COMMUNITY IMPROVEMENT BOARD
Monday, February 9, 2009
7:00 p.m.

VILLAGE ADMINISTRATOR
Dennis Herzing

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
Ronald Dintelmann

POLICE CHIEF
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY
Stephen R. Wigginton

The Community Improvement Board meeting was called to order at 7:00 p.m. on Monday, February 9, 2009. Members present were Mayor Ray Danford, Village Administrator Dennis Herzing, Zoning Administrator Phil Borger, Residents Dave Favre, John Davinroy, Jim Jacobs, Bob Koerber, Dale Klohr and Steve Woodward.

A. OLD BUSINESS: Dennis said his understanding was if we use Maryville's Chapter 151, we will not need Chapter 94 but might incorporate parts of Chapter 94 into Chapter 151.

151.059 Sanitary Conditions: Bob questioned number 4, "Building requirements for garbage," and the statement that reads, "Every building shall be supplied with an approved garbage disposal facility such as a mechanical sink grinder..." He asked if that should be in the building code rather than this one. The committee agreed to take the mechanical grinder language out. Dennis said the way the Village does it now, single family and duplex units have their own cans and get residential trash pickup. Anymore than two families are supposed to have a dumpster and be fenced. Steve asked if there had been anymore discussion on having a trash can with wheels and Dennis said no. Number 6, "Non-residential structure," was discussed. John said maybe this addresses places like Gallaghers and how they handle their grease disposal. The committee discussed making this apply to everyone and dropping number 6 or changing number 6 to C. Dennis said you could take B out of there and let 1 - 6 apply to all buildings. The committee agreed to change "A as follows: Every owner, manager, operator and/or occupant of a structure, building or part thereof shall keep that portion of the structure or premises which he or she occupies in a clean and sanitary condition; delete "B" and leave number 6 in. Dave asked if Phil goes out and looks for problems and Phil advised we usually go out on complaints now.

Notices; Posting Requirements

151.070: Notice of Violation: Bob asked at what point is it required for an architect or engineer to be brought in? Dennis said we use them when we need to take a case to court and have them prove the condition of the structure.

151.071: Service of Notice: Dave asked if the committee how this is going to work if we don't know what the Village has, do you know what it is replacing? Bob said it replaces Freeburg's section 151 and since it did not have enough in it, it was best to revise the Maryville section 151 and use it. Dennis said if there is something in the old section 151, it doesn't mean we can't use it.

151.072 Condemnation Order; Vacation of Premises: No comments.

151.073: Non-Compliance: Dale asked why it states section 151.115 through 151.120. Dennis said 151.115 through 151.120 is the procedures to demolish a building.

151.074: Issuance of Condemnation Notice: Dave asked if we had any building in town condemned and Dennis advised we do not. Dave was concerned about a couple of properties that look like they should be condemned, i.e. the home by the Fire Department and the bowling alley, and asked if we would let people move into them in the shape they are in. Dennis said it has to be in bad enough shape that you could have a strong enough case to go to court. Dave said his point is when someone buys a home and we have condemned it, they should know that and that it needs to be brought up to standards to occupy it.

Community Improvement Board Meeting Minutes
Monday, February 9, 2009
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VILLAGE BOARD OF TRUSTEES MEETINGS ARE HELD ON THE FIRST AND THIRD MONDAY OF EVERY MONTH

Ray said the trustees are currently addressing that issue now and see if we are going to enforce our building code requirements on change of use and renovations. Dennis said the trustees are trying to decide how far down that road they want to go. Bob said he is not in favor of that radical code and asked if the trustees are going around this committee. Dennis thinks their intention is to schedule a Committee as a Whole where the entire board meets as a committee. Dennis would like anyone from this committee to be at that meeting. Ray said we have legally adopted the County code and they do our inspections, we just haven't been enforcing it. Dennis talked to Mike Mitchell of St. Clair County who confirmed they are also not enforcing their code. Dennis asked Mike if the board does want to enforce the code, will the County perform the additional inspections and Mike said they would. Bob said the people he has talked to do not want something that restrictive. Ray said the trustees are struggling with how far do you want to go. Ray said this came up very quickly on the part of the one committee. Dennis said right now if it is just interior remodeling, we leave it alone. If they make the building bigger or make major structural changes, we require a permit. We also require an electrical service entrance upgrade permit. John said, as he said in the first meeting, if you open up the wall, that is when an inspection is required, if you don't, they it's not required. Dennis said he studied the Code over the weekend and if you really want to follow it to the letter, you can charge someone \$200 to get a permit and have an inspection to add a receptacle in the wall. Ray said there is where the value of the members of this board comes in and would like to see some of the members to go to the Committee as a Whole meeting to provide their opinion. Ray said this pertains stating at what level does the government control private property for the express purpose of nuisance control. Dennis continued by saying when the committee was formed, it was a multi-faceted thing, we asked the committee to look at nuisance issues as well as building code issues. Dale said he didn't think they wanted to get into that but Dennis said the board is headed that way.

151.075: Continued Use of Structure: Steve said the penalty section number needs to be changed from 151.999 to 151.199. Other than that, no changes.

151.076: Lifting condemnation Notice: No changes.

151.077: Emergency Actions: No changes.

Junk Vehicles

151.090: Definitions: Steve asked do our police officers currently ticket people who have cars in their driveways that do not have a license plate. Dennis said they may not do it all the time, but they do ticket the owner. Bob read the definition of restorable vehicle and said he has a problem with only being allowed to have one vehicle. Steve said to take one out and put all or any in. Dennis said the second sentence should read, "Any restorable vehicle located in a residential area shall be enclosed within a garage structure." Dale asked about boats and Steve asked about travel trailers. Ray said the way this section is worded, it applies to any vehicle, not just a car. Dennis brought up the last sentence under the "wrecked" definition which states, "A wrecked vehicle shall not be allowed to remain or be stored on any parcel within a designated residential area," and suggested we add, "unless enclosed within a garage."

151.091: Declaration of Nuisance: Bob asked if this is the way our code is now and Dennis replied yes, it is very similar. Steve questioned the last sentence which states, "However, nothing in this section shall apply to any motor vehicle that is kept within a building, nor does this section apply to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles." Ray said this paragraph just refers to what the police can go in and do. Dennis referenced 151.095 which states, "Unless otherwise provided herein, all unregistered, inoperable or junk motor vehicles shall be garaged when in a residential district."

151.093: Loading and Delivery Areas: Penalty section number will be changed.

151.094: Unlawful Sale Without License: No comment other than to change the penalty section number.

151.095: Enclosure of Motor Vehicles: See 151.091.

151.096: Dismantling Prohibited: Steve asked Bob if he had a problem with this section and Bob said yes because it would prohibit anyone from working on their vehicles in a garage. Bob thinks the key word is **major** repair. Steve said he has no problem if we put in there it has to be in the garage. The committee agreed to take this section out as it is covered better under another part of the ordinance.

151.097: Unlawful Parking: Bob asked if parking on the right side of the street should be put in here and both Dennis and Ray said that should be in the traffic code. Dale said we should put something in this section about parking boats and camping trailers. Dennis said we already have the boats covered but not the camping trailers. Dale asked about recreational vehicles and Dennis advised we have a section in the code that addresses that. Bob said he also has a problem with commercial vehicles parking in residential districts. Dennis said we don't have the flatbed trailers covered very well in our code. Dennis found the section in our zoning code that addresses recreational vehicles, 155.306, "not more than two travel trailers or recreational vehicles shall be parked on any lot, they shall not be parked on a street. No travel trailer or other recreational vehicle shall be used as a dwelling, also not be used as an office or for any other commercial purpose, they shall be required to have setbacks as required for accessory buildings, not parked on any front yard, and no unlicensed mobile home may be located in a travel trailer or recreational vehicle park." According to current code, the recreational vehicle can't be parked on the front yard or street.

151.098: Commercial Vehicles in Residential District: Under the definition of "Commercial Vehicle," Bob brought up the licenses that have classifications of "B" and "D" stating he did not think "B" licenses should be included in a commercial designation. Dale questioned "A.1.," which states, "No more than one commercial vehicle shall be parked, stored or housed within a residential district." It says only vehicle in an entire residential district. It needs to be stated more clearly. Verbiage will be added in to say no more than one vehicle per residence. The issue of the size of the vehicle being parked on the street was discussed (see A, number 3) and whether they should be allowed in residential districts. There are many areas in town where commercial trucks are being parked. Dale asked what kind of truck (i.e. 10-wheel dump truck) do you want to be allowed to parked? John said you need to follow what is in the code. This section states, "All other commercial vehicles having greater than a "D" license plate shall not be parked, stored or housed within a residential district." Steve said he has a D plate is anything up to 16,000 pounds. The committee agreed it needs to be based on weight and to delete A, number 3.

151.099: Recreational Vehicles: Dennis said this section doesn't change any other code with regard to recreational vehicles.

151.100: Applicability: Dennis said he isn't sure of the intent of this section. The committee asked for further clarification on this section.

Steve asked Dennis if we seek reimbursement of our legal fees if we take someone to court and Dennis advised yes, whenever we can. Dennis said on ordinance violations, it hard to get the judge to fine them more than \$100 or so. Dennis said in the case with home demolitions, we've been able to recover more because of how the statute is written. The next scheduled meeting of the committee will be held on Monday, March 9, 2009 at 7:00 p.m.

ADJOURN: *The meeting ended at 10:00 p.m.*



Julie Polson
Office Manager

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

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COMMUNITY IMPROVEMENT BOARD
Monday, March 9, 2009
7:00 p.m.

VILLAGE ADMINISTRATOR
Dennis Herzing

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
Ronald Dintelmann

POLICE CHIEF
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY
Stephen R. Wigginton

The Community Improvement Board meeting was called to order at 7:00 p.m. on Monday, March 9, 2009. Members present were Village Administrator Dennis Herzing, Zoning Administrator Phil Borger, Office Manager Julie Polson, Residents Bob Koerber, Dale Klohr and Steve Woodward. Guest present: Janet Baechle.

A. OLD BUSINESS: Bob asked why he had a question mark at Section 151.100. This section entitled, "Applicability," states, "All provisions of this code shall apply to trailers and towable vehicles." He thought this was covered in another area of our code. Dennis advised he still needs to ask Attorney Wigginton for clarification on this section.

Julie asked the committee if the minutes should be reviewed and approved at each meeting. Bob said he thought the code would be rewritten with the suggestions made. Janet asked about Section 151.098, "Commercial Vehicles in Residential District," and the wording that only allowed one commercial vehicle in a residential district and asked if that would apply to Louie Pruett. Bob said Louie has been grandfathered for years. Dennis agreed and said that a general statement that this has always been written in to the different areas of our code and will be put into this one.

Certificate of Occupancy

151.135: Occupancy Permit Required: Dale asked if the Village currently requires an occupancy permit and Dennis advised only on new construction. We don't require a permit on existing residences. Dale said this code would and Dennis agreed. Bob does not agree with that and Steve asked why. Bob replied that would mean any older home would have to be brought up to code before you live in it and doesn't agree with that. Bob said if they follow all the changes in the code every year, there are homes less than one year old that don't meet the electrical code right now. Dennis said the way this is worded, it shall be unlawful to use or occupy until a permit of occupancy has been issued by the administrator, the certificate so issued shall state the occupancy complies with all the provisions of this code as far as can be determined. Dennis thinks that means it only applies to the nuisance code. Dennis said this would put a burden on the Village to perform inspections on every change in occupancy. Dennis said in paragraph "A" it states, "The certificate so issued shall state the occupancy complies with all of the provisions of this code as far as can be determined by a visual inspection of the premises and a review of the records." Dennis said this means they are really talking about a walk-through inspection which would make Phil's life easier and makes it a little more reasonable. Bob is more concerned with the scenario when an older home is being sold and would need to be redone to be brought up to code and the cost involved to do that. He thinks you should be able to fix it up as you go. He wants to make sure we don't have homes sitting in Freeburg that don't sell because they can't pass inspection. The committee discussed the International Building Code that St. Clair County and the Village adopted. Dennis told the committee that when St. Clair County adopted that code, they did not adopt the electrical portion of the International Building Code. They stayed with the NEC - National Electric Code.

Dale raised a concern with this section. He thinks a buyer may not realize when he buys a house and is told the Village of Freeburg issued an occupancy permit, he will probably assume that means the house has been brought up to code. Dale asked if you

Community Improvement Board Meeting Minutes

Monday, March 9, 2009

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VILLAGE BOARD OF TRUSTEES MEETINGS ARE HELD ON THE FIRST AND THIRD MONDAY OF EVERY MONTH

aren't going to include the things that are dangerous in a house, i.e. plumbing, electrical, heating systems, why issue the permit? He stated this could be misleading to the buyer and doesn't know what we are gaining with this occupancy permit.

151.136: Application: Steve thinks Section 151.136 addresses what we gain by doing this. It states, "It shall be unlawful for any person to knowingly make any false statements on an application for an occupancy permit for a dwelling unit as to the names, relationship or number of occupants who will occupy the dwelling unit." Steve said we can use this section to control the number of people living in a residence. We had talked about this before--possibly putting language in our code that says so many people per square foot. Dennis said when the county inspects new structures, it will say single family residence up to eight people or something like that. It is based on how many bathrooms, bedrooms, etc., from the International Building Code. Bob said that is what the Belleville code is trying to accomplish but isn't. Bob said to address the occupancy permit requirement, we would have to stress it is not a building inspection, it is an occupancy inspection. Steve asked how much it costs for the County to perform an inspection and Dennis advised they get half of the cost of the permit. Bob then suggested the future occupant of the property would be responsible for applying for the occupancy certificate. Dennis said the certificate could be worded correctly and have it stated clearly on the application. He also wants to be sure there is a mechanism in place that the realtor/seller can't use the inspection as a tool to sell their home.

151.137: Action on Application: Bob questioned the end of paragraph A which states, "An inspection shall be valid for a period of one year. The dwelling unit does not have to be reinspected during the year even if the occupancy changes. There shall be no fee for the original inspection or the first reinspection, if necessary. Dale said an inspection should be required every time the occupancy changes. After discussion, the committee agreed to take out the above-quoted sentences. The committee agreed to change paragraph "C" to, "There shall be a fee of \$50 for every reinspection after that first *reinspection*." Paragraph "D" which states, "No inspection shall be required under this subchapter for a dwelling unit that is less than five years of age," shall be deleted. Therefore, the first inspection is \$15.00. If a reinspection is needed, it will be provided at no cost and if that one has to be reinspected (or third visit), the fee for that would be \$50.00.

151.138: Okay.

151.139: Conditional Permit: Steve thinks this section addresses the situation if someone really needed to get into their residence, we could grant the permit as long as there wasn't a life-threatening situation. Steve sees a couple of issues with this. Once they are in there, you will have a hard time getting them out especially if they have children. Dale thinks we have a real liability if we start issuing conditional permits. Steve said the things we are working on in this code are such that they should be fixed in a reasonable amount of time. Dennis thinks this is another example of something that came from the building code. Dale agreed and said we are dealing with how the building looks like on the outside. The committee agreed to take this section out.

151.140: Rejection of Application; 151.141: Suspension of Permit, and 151.142: Revocation of Permit are all self-explanatory.

151.199: Penalty: Dennis questioned what 151.098 was and that is the section that addresses commercial vehicles. Sections 151.135 through 142 are the occupancy permit sections. The different fines were discussed. Dennis said the problem with ordinance violations is it costs you more to pursue them than what you get back from the fine. The committee agreed to keep paragraph A, eliminate paragraph B and change paragraph C to B.

Steve asked how long a building permit is valid and Dennis answered one year. Phil said once it reaches a year, he can extend for up to one more year. Steve asked if we have anything in place to monitor a project that has been started but there is nothing in place on when it has to be finished.

Bob asked if the committee was supposed to review the Administration section of the International Residential Code. Dennis said this will be a long discussion and also said it has been our policy not to do anything with interior remodels. Dennis thinks Kevin is proposing to follow this code more closely. Bob talked to Kevin who assured Bob he still wants the committee to keep moving forward. Dennis said if you read the beginning of the code, it will say it applies to a remodel or a change of use, and Kevin's concern is that is what the code says but our policy in the Village has always been to apply that code to new construction or to expansions if you are adding onto a building, but if someone remodels the inside of the building, we haven't required a permit. Kevin thinks we need to address this. Bob said he doesn't have a problem with a remodel requiring a permit in a commercial structure. Dale asked who would perform all of the inspections and Dennis said we are only contracted with the County for them to perform inspections on new structures. Dennis talked to Mike Mitchell who said right now they will inspect anything. Bob said if we want Phil to enforce this code for remodels, he would have to go to school to be trained.

The committee will look through the building code and discuss at the next meeting which will be held on Monday, April 13, 2009 at 7:00 p.m.

ADJOURN: *The meeting ended at 9:00 p.m.*



Julie Polson
Office Manager

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

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COMMUNITY IMPROVEMENT BOARD
Monday, April 13, 2009
7:00 p.m.

VILLAGE ADMINISTRATOR
Dennis Herzing

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
Ronald Dintelmann

POLICE CHIEF
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY
Stephen R. Wigginton

The Community Improvement Board meeting was called to order at 7:00 p.m. on Monday, April 13, 2009. Members present were Village Administrator Dennis Herzing, Zoning Administrator Phil Borger, Office Manager Julie Polson, Residents John Davinroy, Bob Koerber, Dale Klohr, Steve Woodward and Jim Jacobs.

A. OLD BUSINESS: The Administration sections of the International Residential and Building Code were discussed. Copies of that section were previously provided to the committee members. John said in O'Fallon you can't get a permit for a commercial project unless you have an architect's stamp on the plan. Dennis said state statute requires an architecture stamp for design of a new commercial building. Dennis said the committee needs to decide how far the Village should go to enforce the building code. Dennis said right now our contract with the County is to just inspect new construction.

The basic question is should there be a permit on a commercial interim remodels either residential or commercial? Until now, we have never asked for a building permit for strictly interior remodeling (both residential and commercial). John asked couldn't you just create a policy where you require a permit on a commercial remodel and you don't on a residential remodel? Dale said you could put remodel in the residential exemption in the administration section of the code that lists the specific instances to be exempted. Bob said if it is damaged more than 50%, it should be done by permit and inspected. Dennis said our code has always included the 50% requirement in our code. John is concerned about safety. Bob said we shouldn't have our nose inside someone's house. Dennis asked if we really want to go in private property and inspect if someone is working on their own house and said he doesn't know the answer to that. He sees the side of both arguments---John's concern about someone rewiring a receptacle in their home versus wiring a new receptacle in a room addition. John asked if a permit will be required for a residential property that is rented out? Bob doesn't think it matters in a residential situation.

Dennis brought up Dave Favre's complaint based inspection on a rental property idea. If a tenant moves into a rental property and feels that there are safety hazards, then we go in and inspect. Dennis said that may be asking the Village to get into tenant/landlord disputes. Jim asked what would the Village do if the tenant calls and says he has an electrical problem, who is responsible to determine that---the Village, the landlord? Dennis said it will depend on what our ordinance says. John said an inspector can only go in and state whether it meets code or doesn't meet code. Dale asked if adding a room was considered remodeling or new construction and Dennis said we've always treated it like new construction. Dale then said he would be in favor of recommending to the Legal & Ordinance Committee they stay with the commercial code and exempt everything on residential except new construction. Bob said you can make exceptions to the code. Dennis agreed and said once you've done that, you need to be consistent. He believes Freeburg has been pretty consistent applying the code. Dale said you would just revise Section 105.2, "Work Exempt from Permit," to include all residential except new construction. Dale said the commercial code is a different animal because you are looking out for the interests of the public as well as the owner. Dennis said whatever we decide to adopt as our policy needs to be put in ordinance form, i.e. we are going to apply this code but as a matter of village policy we are not going to apply it to residential remodels. He doesn't think this was

Community Improvement Board Meeting Minutes
Monday, April 13, 2009
Page 1 of 2

ever done in the past. Steve asked once this is adopted, will we be contacting the realtors, commercial contacts, auction, etc., so they understand this is in place. Steve brought up the Eitzenhefer auction and said someone from the Village should have been there with the comprehensive plan so prospective buyers would know the plans the Village had for that area. Bob said if he was the property owner, he would question who has the authority to tell him he had to put a road through it. Dennis explained the comprehensive plan is a tool used to suggest the best way for the Village of Freeburg to develop. Jim Jacobs asked why waste the time of putting it together if you aren't going to use it. John said it is part of the prospective buyer's responsibility to come check with the Village prior to purchase and see if there is anything that might affect that property in the future. He thinks it is a good idea and might stop future controversy. Dennis said he was surprised at how well the plan has been followed. Bob said you can't force a property owner to put a road through his property just because it is in the Village's comprehensive plan. Steve left the meeting. John said Steve was bringing a discussion to the table on how to inform people of what the Village would like to see for its future development.

John asked if we were going to present any motions to the committee. Dennis summarized what he heard is we look into enforcement of the building code on remodeling of commercial but exempt residential. He thinks it would be a reasonable recommendation back to the Legal & Ordinance Committee. They, in turn, would make recommendations to the full Board. John told the committee he believes when a wall is opened up on a remodel, a permit should be required. He stated it is a matter of safety and people need to be protected. He also said when the remodel is for a rental property, an inspection should be required. John said the inspector follows the guidelines in their inspection criteria, i.e. following a line from the receptacle back to the panel. Dennis said he is more concerned that we don't have in-house capabilities to do any of this stuff. He thinks a lot of people in town are worried that the County may inspect more than they need to. John said maybe Dennis could talk to Mike Mitchell at the County to see how they carry out their inspections. Dale said the existing code tells us what you need a permit for and what is exempted. He thinks that is what the Village should follow for a commercial property. Dennis said what you are suggesting then, on a change in occupancy for a commercial building, we enforce the existing code to the letter. Dale said the change in occupancy has nothing to do with it. John used the following example. If he buys Kenny Stein's building and wants to put a game room in there, he plugs in some games in existing outlets, he doesn't need a permit and Dale replied no. If you are going to add receptacles, change the wiring, put a wall up, then a permit would need to be obtained.

The committee agreed to recommend the following suggestions to the Legal & Ordinance Committee: 1. Under the International Residential Code, require the property owner to obtain a permit on remodeling projects where the wall would be opened up; 2. Under the International Building Code, enforce the code to the letter.

Dennis will call Mike Mitchell and see how the inspection process is handled. Do they just handle the part that is permitted or do they point out other things while they are there. The nuisance section that the committee has been reviewing needs to be revised with the recommendations of the committee. Julie will get that done and schedule the next meeting once that has been completed.

ADJOURN: *The meeting ended at 8:30 p.m.*



Julie Polson
Office Manager

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
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COMMUNITY IMPROVEMENT BOARD
Tuesday, June 30, 2009 at 6:30 p.m.

VILLAGE ADMINISTRATOR
Dennis Herzing

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
Ronald Dintelmann

POLICE CHIEF
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY
Stephen R. Wigginton

The Community Improvement Board meeting was called to order at 6:30 p.m. on Tuesday, June 30, 2009. Members present were Village Administrator Dennis Herzing, Zoning Administrator Phil Borger, Office Manager Julie Polson, Residents Bob Koerber, Dale Klohr and Jim Jacobs.

A. OLD BUSINESS: The final version of the nuisance abatement code was reviewed by the committee.

1. Section 151.031: Comment was left in for Legal & Ordinance Committee to decide.
2. Section 151.048: Paragraph was taken out because it was too restrictive.
3. Section 151.049: Comment was left in for Legal & Ordinance to decide. The committee agreed they definitely want the resident to be able to compost and said a procedure needs to be set in place to do so. Dennis said maybe this should be controlled in the garbage section of the code.
4. Section 151.053: Comment was left in for Legal & Ordinance to decide. Bob thinks something should be put in the code about the resident being responsible to mow the ditch in front of their house. The problem is those areas are road right-of-way and technically not the homeowner's responsibility to maintain.
5. Section 151.055: The penalty section was deleted because the general penalty section at the end is already referenced.
6. Section 151.058: The committee agreed there would need to be a separate section of the code that would address maintenance of the building, and it would have to be much more in depth, but this section gives them a start. The intent of this section is to not let structures get into a state where they need to be demolished.
7. Section 151.059: Paragraphs A and B were redundant so B was deleted.
8. Section 151:096: Dismantling Prohibited Section was deleted from the code because it was covered better in another part of the ordinance. It has been replaced with Unlawful Parking. Bob wants to see parking on the right side of the street be mentioned here and Dennis said it is an enforcement issue.
9. Section 151:097: Under the definition of a commercial vehicle, the "B" license plate was removed.
10. Section 151:100: Dennis is supposed to check with Attorney Wigginton to see what this section means.
11. Section 151:135: No changes to this section were made other than the comment for the Legal & Ordinance committee to look at having future occupant be responsible for applying for the occupancy certificate.

The committee felt the suggestions they made with regard to this code are reasonable and recommend it to the Legal & Ordinance Committee for their review and action.

ADJOURN: *The meeting ended at 7:20 p.m.*

Julie Polson
Office Manager

Community Improvement Board Meeting Minutes
Monday, April 13, 2009
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