

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

November 6, 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, **Tuesday, November 10, 2009, at 4:00 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of October 14, 2009 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

1. Code regarding bonfires

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)
Tuesday, November 10, 2009 at 4:00 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:02 p.m. by Chairman Seth Speiser on Tuesday, November 10, 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. Guest present: Mike Mitchell, St. Clair County Zoning Department.

A. OLD BUSINESS:

1. Approval of October 14, 2009 Minutes: Trustee Charlie Mattern motioned to approve the October 14, 2009 minutes and Trustee Rita Baker seconded the motion. All voting aye, motion carried.

2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Mike Mitchell was present to discuss conducting inspections on commercial buildings. Seth said the Chamber has complained about it because they don't want to impede potential businesses coming into town. Our dilemma is where do we draw the line on what should or shouldn't require a permit and be inspected. Mike Mitchell said they charge for a building permit and call it a remodel and it is inspected. The permit is based on cost of construction. Seth said enforcement is another issue. Mike said if someone calls and asks, they tell them a permit is required. Otherwise, if they don't know about it, there is no way to enforce it. In our case, we control the electric, we should know about it. Our past history has been not to require any permit for a remodel. Mike thinks a building permit should be required. For example, the city required a building permit for the Belleville Firehouse Crossing building, then each person that took a unit was required to obtain a remodel permit when they came in and finished that space. Mike said a lot of the fire departments go in with them when the County performs their inspections on the commercial buildings. Charlie said maybe we need to come up with a series of requirements, i.e. if it is more than 2,000 square feet of change, if it is more than \$5,000 or \$10,000; if it involves a bearing wall. If it hits any one of the trigger points, then a permit would be required. The committee agreed with this idea and Charlie and Seth will draft the requirements and bring it to the next meeting. Mike said the County would be happy to conduct the inspections. Seth asked if the County has any material requirements on commercial buildings and Mike advised they do not. The committee briefly discussed the topic but no decisions were made.

Legal and Ordinance Committee Meeting
Tuesday, November 10, 2009
Page 1 of 2

3. Status of Public Hazard Homes: Dennis said Phil has been out looking for any problem areas that may need to be addressed.

4. TIF litigation: Dennis said Attorney Wigginton has sent a draft agreement to him and he is going through it right now. We are getting close to presenting it to Koppeis. We drew the sales tax back to us so we would have it when we resolve something with Koppeis.

5. Stumpf Lawnmower Business: The case has been set for a bench trial on December 8, 2009.

B. NEW BUSINESS:

1. Code regarding bonfires: A copy of our existing code was included in the packet as well as Stan Koerber's complaint. Since the use of commercial fire pits has grown, we need to better define commercial pit and the use of them in our current code. Dennis wanted to see if there was any ANSI standard they should be held to but hasn't found anything. Officer Schutzenhofer also provided a copy of the NFPA's code. We will look at Maryville's code to see if they have any guidelines with regard to the commercial fire pits.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 4:53 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, 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
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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

CAUTION!

If your Halloween plans include having a bonfire or a fire in a commercially purchased fire pit, in your driveway or on your patio, you might want to rethink your plans. The current Freeburg Village Code No. 94.63 (A) Bonfires shall include open outdoor fires and outdoor fireplaces: exceptions: contained cooking fires. (C) Permitted bonfires must be located not less than 50 feet from any structure. (J) Permits for bonfires shall be required. Bonfire permits may be obtained from the Office of Administration and must be authorized by the Chief of Police. Violators of this Village Code are subject to a fine of \$75.00 minimum and maximum of \$500.00. Happy Halloween.

Stan Koerber

Protection Act of the State of Illinois; and, landscape waste and bonfires shall not be allowed to be openly burned except as hereinafter provided.

(Former Code, § 25-4-2) (Am. Ord. 924, passed 9-21-98) Penalty, see § 94.99

94.62 RESTRICTIONS ON BURNING LANDSCAPE WASTE. The open burning of leaves shall be prohibited in all zone districts within the Village except for the "A" Agricultural zone.

The open burning of landscape waste, including leaves, shall be permitted in the "A" Agricultural district, and the open burning of landscape waste, except for leaves, shall be permitted in all other zone districts only on the following conditions:

(A) Landscape waste shall be burned only on the premises on which such waste is generated;

(B) Landscape waste shall be burned only when atmospheric conditions shall readily dissipate contaminants;

(C) Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks;

(D) Open burning of landscape waste may only take place during daylight hours with a person over **eighteen (18) years** of age in attendance during the entire period of burning;

(E) No open burning of landscape waste shall be permitted on Village streets;

(F) No open burning may occur during periods of time when determined by the Chief of the Fire Protection District in which that part of the Village is located, or the Chief of the Police Department that atmospheric conditions or local circumstances make such fires hazardous.

(Former Code, § 25-4-3) (Am. Ord. 924, passed 9-21-98) Penalty, see § 94.99

(Ord. No. 1231; 11-06-06)

94.63 BONFIRES. Open burning, commonly known as bonfires, shall be permitted only under the following conditions.

(A) Bonfires shall include open outdoor fires and outdoor fireplaces; exceptions: contained cooking fires.

(B) Materials burned in bonfires shall consist only of the following: tree logs, tree branches, and tree stumps. Materials not permitted shall consist of but not be limited to, the following: vegetable or plant refuse, garbage and agricultural waste, construction waste, brush, weeds, leaves, grass, shrubbery, yard waste, or other tree trimmings.

(C) Permitted bonfires must be located not less than 50 feet from any structure.

(D) Bonfires shall be constantly attended by a competent person 18 years of age or older until such bonfire is extinguished. This person shall have a garden hose connected to the water supply that reaches all area of the bonfire or other fire extinguishing equipment readily available for use.

(E) Bonfires shall not be permitted between the hours of 12:00 a.m. and 6:00 a.m.

(F) Bonfires shall be burned only when atmosphere conditions shall readily dissipate contaminants.

(G) Bonfires may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks.

(H) Bonfires shall not be permitted on any public property.

(I) Bonfires shall not be permitted during periods of time when determined by the Chief of the Police Department that local circumstances make such fires hazardous.

(J) Permits for bonfires shall be required. Bonfire permits may be obtained from the Office of Administration and must be authorized by the Chief of Police.

(Am. Ord. 924, passed 9-21-98) Penalty, see § 94.99

INOPERABLE MOTOR VEHICLE

94.75 **DEFINITION.** For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

INOPERABLE MOTOR VEHICLES. Any motor vehicle which, for a period of at least seven days, or any greater period fixed by ordinance, the engine, wheels, or other parts have been removed; or in 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. ***INOPERABLE MOTOR VEHICLES*** shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinance service or repair operations; nor shall it apply to any motor vehicle that is kept within a building when not in use or to any operable historical vehicle 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.

(Former Code, § 25-5-1)

(D) Bonfires shall be constantly attended by a competent person 18 years of age or older until such bonfire is extinguished. This person shall have a garden hose connected to the water supply that reaches all area of the bonfire or other fire extinguishing equipment readily available for use.

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(Former Code, § 25-5-1)

NFPA 1
Fire Code
2009 Edition

10.11 Open Flame, Candles, Open Fires, and Incinerators.

10.11.1.1 Permits shall not be required for cooking and recreational fires.

10.11.1.2 Where burning is conducted on public property or the property of someone other than the permit applicant, the permit applicant shall demonstrate that permission has been obtained by the appropriate government agency, the owner, or the owner's authorized agent.

10.11.1.3 When limits for atmospheric conditions or hours restrict burning, such limits shall be designated in the permit restrictions.

10.11.1.4 Instructions or stipulations of permit shall be followed.

10.11.2 The AHJ shall have the authority to prohibit any or all open flames, and open, recreational, and cooking fires or other sources of ignition, or establish special regulations on the use of any form of fire or smoking material where circumstances make such conditions hazardous.

3.3.201 Recreational Fire. The noncommercial burning of materials other than rubbish for pleasure, religious, ceremonial, cooking, or similar purposes in which the fuel burned is not contained in an incinerator, a barbecue grill, or a barbecue pit, and the total fuel area is not exceeding 3 ft (0.9 m) in diameter and 2 ft (0.6 m) in height.

3.3.69 Cooking Fire. The noncommercial, residential burning of materials not exceeding 3 ft (0.9 m) in diameter and 2 ft (0.6 m) in height, other than rubbish in which the fuel burned is contained in an outdoor fireplace, a barbecue grill, or a barbecue pit for the purpose of preparing food.

10.11.3 Outdoor Fires.

10.11.3.1* Outdoor fires shall not be built, ignited, or maintained in or upon hazardous fire areas, except by permit from the AHJ.

A.10.11.3.1 Areas for such use can include inhabited premises or designated campsites where such fires are built in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator, or grill.

10.11.3.2 Permanent barbecues, portable barbecues, outdoor fireplaces, or grills shall not be used for the disposal of rubbish, trash, or combustible waste material.

10.11.4 Open Fires.

10.11.4.1 Permitted open fires shall be located not less than 50 ft (15 m) from any structure.

10.11.4.2 Burning hours shall be prescribed by the AHJ.

10.11.4.3 Recreational fires shall not be located within 25 ft (7.6 m) of a structure or combustible material unless contained in an approved manner.

10.11.4.4 Conditions that could cause a fire to spread to within 25 ft (7.6 m) of a structure shall be eliminated prior to ignition.

10.11.5 Fire Attendant.

10.11.5.1 Open, recreational, and cooking fires shall be constantly attended by a competent person until such fire is extinguished.

10.11.5.2 This person shall have a garden hose connected to the water supply or other fire-extinguishing equipment readily available for use.

10.11.6 For other than one- and two-family dwellings, no hibachi, grill, or other similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony, under any overhanging portion, or within 10 ft (3 m) of any structure.

10.11.6.1* Listed equipment permanently installed in accordance with its listing, applicable codes, and manufacturer's instructions shall be permitted.

A.10.11.6.1 It is not the intent of this paragraph to allow the permanent installation of portable equipment unless it is permitted by its listing.

10.11.6.2 Installation of Patio Heaters.

10.11.6.2.1 Patio heaters utilizing an integral LP-Gas container greater than 1.08 lb (0.49 kg) propane capacity shall comply with 10.11.6.2.2 and 10.11.6.2.3. [58:6.20.2.1]

10.11.6.2.2 Patio heaters shall be listed and used in accordance with their listing and the manufacturer's instructions. [58:6.20.2.2]

10.11.6.2.3 Patio heaters shall not be located within 5 ft (1.5 m) of exits from an assembly occupancy. [58:6.20.2.3]

10.11.7 Incinerators and Fireplaces.

10.11.7.1 Incinerators, outdoor fireplaces, permanent barbecues, and grills shall not be built, installed, or maintained without prior approval of the AHJ.

10.11.7.2 Incinerators, outdoor fireplaces, permanent barbecues, and grills shall be maintained in good repair and in a safe condition at all times.

10.11.7.3 Openings in incinerators, outdoor fireplaces, permanent barbecues, and grills shall be provided with an approved spark arrester, screen, or door.

10.11.9 Discontinuance. The AHJ shall be authorized to require any fire to be immediately discontinued if the fire is determined to constitute a hazardous condition.