

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 30, 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, December 2, 2009, at 4:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of November 10, 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
6. Bonfire Code

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, December 2, 2009 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:33 p.m. by Chairman Seth Speiser on Wednesday, December 2, 2009, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern, Trustee Corby Valentine, Mayor Ray Danford, Village Administrator Dennis Herzing and Office Manager Julie Polson. Guest present: Janet Baechle.

A. OLD BUSINESS:

1. Approval of November 10, 2009 Minutes: Trustee Rita Baker motioned to approve the November 10, 2009 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, motion carried.

2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Charlie did not have a list of requirements for the commercial building permits compiled for the meeting. Rita said if we have a dollar amount, that would be a place to start. Dennis thinks there should be other requirements than just a dollar amount. The committee members will try to come up with some benchmarks, i.e. opening up a wall, electrical or plumbing work, etc. Mayor Danford asked about the discussion with the county and how they addressed apartments and Seth advised they are considered residential, not commercial. Seth would like Attorney Wigginton to review the wording once the list is compiled.

3. Status of Public Hazard Homes: Dennis said Phil has talked to Mary Kinzinger a few times and has also talked to Waseem about the G&S Foundry Building. Both properties are being worked on and monitored. Ray asked about Sheets' house north of town and asked if it was in limbo and Dennis advised yes. Dennis does not believe the wells have been addressed and suggested we could call the Health Dept. to see if they can get Sheets to take care of them. The committee directed Dennis to send Sheets a letter advising if he doesn't fix it, we will and send him a bill.

4. TIF litigation: Dennis said we've received the draft agreement and he has reviewed it with Ray. We have made some minor changes to it and Steve is waiting to hear back from us. Ray told Dennis to give Steve a call and get it passed onto Koppeis.

5. Stumpf Lawnmower Business: Dennis provided a copy of the Consent Order that is being recommended by Steve we proceed with. The difference between this and

Legal and Ordinance Committee Meeting
Wednesday, December 2, 2009
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the initial offer, Stumpf is pleading guilty, he is willing to be limited to only one lawnmower which is more stringent than our existing ordinance, and says he will not repair maintain or repair lawnmowers for others. This order is enforceable by a contempt of court and Stumpf could be jailed if he fails to abide by the consent order. Corby thought the language should be more limiting, i.e. small engine repair. Ray said he can't see any way to limit the antagonistic aspect of the situation. Dennis will talk to our attorney to see if the language can be changed.

6. Bonfire Code: Dennis provided copies of Palatine, Maryville and Rock Island's code on bonfires. The committee agreed to keep the language in our code regarding bonfires and add Palatine's code in regarding recreational fire pits. The committee agreed to a flat fee for the home built fire pit building permit, either \$5 or \$10. The committee thought it was a good idea to have a fire extinguisher. Dennis will prepare the ordinance for the next meeting.

B. NEW BUSINESS: Rita asked about the comprehensive plan and Ray advised the Plan Commission is waiting on some statistical tables to be completed. Once those have been completed, meetings with the public can be scheduled. Once the Plan Commission passes it, it would be presented to the Village Board. Seth asked if the doctor's building had passed and Dennis advised it is scheduled for hearing on December 10th. Seth asked about the bowling alley and Dennis advised it was approved a week or so ago. Rita asked what was wrong with the doctor's building and Dennis said it doesn't meet the setback requirements, their parking is not on their property, they are proposing to put the parking in the area that Koppeis had put aside for future parking for the shopping center. So a joint meeting has been set up with the doctors and Koppeis on the 10th to decide the issues.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 5:15 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)
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

IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

VILLAGE OF FREEBURG,)	
ILLINOIS,)	
)	
Plaintiff,)	
)	
v.)	No. 09-OV-4447
)	09-OV-4448
KENNETH A. STUMPF,)	09-OV-4449
)	09-OV-4450
Defendant.)	

CONSENT ORDER

Comes now the plaintiff, Village of Freeburg, by and through its attorneys, WEILMUENSTER & WIGGINTON, P.C., and the defendant, Kenneth A. Stumpf, by and through his attorney, John Goodwin of BONIFIELD & ROSENSTENGLE, and hereby consent to the following Order being entered by the Circuit Court of St. Clair County, Illinois:

1. That defendant, Kenneth A. Stumpf, agrees to plead guilty to the offense of operating a home business without a permit, Case No: 09-OV-4450, Ticket No: 1301731.

2. That defendant, Kenneth A. Stumpf, is ordered to pay a fine and costs in the amount of \$100.00.

3. That defendant, Kenneth A. Stumpf, agrees in the future that he will keep and maintain only one (1) lawnmower for his own personal use at his residence located at 102 South Cherry Street, Freeburg, Illinois 62243 and he will not repair or maintain lawn mowers for others at said residence.

4. That plaintiff, Village of Freeburg, Illinois, agrees to dismiss with prejudice the following three (3) citations for disturbing the peace: 09-OV-447, 09-OV-448 and 09-OV-449.

5. That the parties agree that the Court shall retain jurisdiction to enforce this order with the contempt powers of the Court in the event of any future violations.

WEILMUNSTER & WIGGINTON, P.C.

BONIFIELD & ROSENSTENGEL

By: _____
J. BRIAN MANION #6283445
3201 West Main Street
Belleville, IL 62226
257-2222 (Phone)
257-2030 (Fax)
Attorney for Plaintiff

By: _____
JOHN GOODWIN #1010581
16 East Main Street
Belleville, IL 62220
277-7740 (Phone)
277-5155 (Fax)
Attorney for Defendant

Kenneth A. Stumpf - Defendant

ENTERED THIS _____ DAY OF _____, 2009.

JUDGE

MARYVILLE

§ 94.10 OPEN BURNING.

All outdoor burning within the corporate boundaries of the village shall be in accordance with the following restrictions and limitations:

(A) Burning of any and all materials is prohibited except for grass clippings, tree limbs, leaves and flower/garden materials.

(B) This material must be grown upon or generated from trees, plants, bushes and shrubs growing upon the property on which the burning will occur and located within the Village of Maryville, Illinois.

(C) Outdoor wood or charcoal and gas grills used for the purpose of cooking food for human consumption, recreational or campfires shall not be subject to the restrictions.

(D) No person, firm or corporation shall burn aerosol containers or any hazardous materials, including but not limited to oils, waste oil, paints, thinners, fertilizers, herbicides, insecticides, petroleum products, plastic articles, rubber products, petrochemical products or any volatile substances.

(Ord. 2005-33, passed 7-20-05) [Penalty, see § 94.99](#)

§ 94.11 PERMITTED DAYS AND HOURS OF BURNING.

(A) No fire shall be set nor any burning continue except between the hours of 8:00 a.m. and 4:00 p.m. on Friday or Saturday and only when winds, dryness and other weather conditions are such that the fire can be contained, controlled and maintained in a manner that will not be likely to endanger, damage or injure any person, any building or other property.

(B) The Police Chief, Fire Chief, or Mayor can prohibit open fires and/or all burning if he or she determines, in his or her absolute discretion, that drought, winds, weather, smoke, odors, public health and safety or other conditions are factors to justify cessation of a fire otherwise in compliance with this chapter. The Police Chief, Fire Chief, or Mayor shall notify the Village Board as soon as possible if a determination is made to suspend open burning.

(Ord. 2005-33, passed 7-20-05) [Penalty, see § 94.99](#)

§ 94.12 BURNING RESTRICTIONS.

(A) Burning shall be restricted to private property and shall not take place on any village public parkway, street, curb, gutter, sidewalk, park or easement.

(B) Burning shall be no closer than 20 feet to any building, vehicle or other property likely to be endangered thereby, or no closer than ten feet to any tree or bush.

(C) All fires shall be personally attended at all times by an adult owner or occupant of

the property upon which burning is taking place or by another adult designated and authorized by such owner or occupant.

(Ord. 2005-33, passed 7-20-05) [Penalty, see § 94.99](#)

§ 94.13 EMERGENCY BURNING BAN.

In the event of extreme weather conditions or other necessary circumstances, the Board of Trustees may, by resolution, temporarily ban all outdoor burning until such time as the Board of Trustees passes a resolution canceling the ban, except for supervised outdoor cooking.

(Ord. 2005-33, passed 7-20-05)

§ 94.14 ENFORCEMENT; EXTINGUISHING FIRES.

The village Police Chief, the local volunteer Fire Department and village employees or officers designated by the Mayor have authority to enforce this chapter by issuance of a citation or complaint or notice of violation. The violator is liable to the village or local Fire Department for the costs of extinguishing any illegal fire.

(Ord. 2005-33, passed 7-20-05) [Penalty, see § 94.99](#)

§ 94.15 VIOLATIONS.

(A) All actions in violation of this chapter are hereby determined and defined to constitute a public nuisance. It is in the public interest that such nuisance be prohibited and, if they occur in violation of this chapter, that they be abated by the village through appropriate judicial order.

(B) The Village Attorney may conduct prosecution of violations in the name of the village in any court having jurisdiction thereof.

(Ord. 2005-33, passed 7-20-05) [Penalty, see § 94.99](#)

LEAF BURN BAN

City Council voted on 12/22/08 to ban leaf burning in the City of Rock Island effective immediately.

The City of Rock Island no longer allows the burning of **LEAVES**. As part of the leaf burn ban, the City will expand the Free Leaf Collection Program. There will be a free leaf collection in the Spring as well as in the Fall. The free leaf bag distribution network will also be expanded so that all customers will have an opportunity to receive free leaf bags.

Follow the guidelines below....

- Fires that are allowable by the fire code are Recreational and Bonfires.
- Rubbish fires are not allowed
- Bonfires are outdoor fires utilized for ceremonial purposes and shall not be conducted within 50 feet of a structure or combustible materials. The fire must be attended at all times and a means of extinguishment must readily be available
-  Recreational fires are outdoor fires burning materials other than leaves and rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit, and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height, for pleasure, religious, ceremonial, cooking warmth, or similar purposes. Recreational fires shall not be conducted within 25 feet of a structure or combustible materials. These fires must also be attended at all times with a means of extinguishment readily available
- The Rock Island Fire Department reserves the right to extinguish bonfires and recreational fires.

Please call the burn line , **732-BURN(2876)** for Bonfire and Recreational burning status.

The City of Rock Island encourages the use of leaf bags. The city offers 10 leaf bags per day and can be picked up at the city municipal building 1309 Mill Street, City Hall or the recycling center. All that is required is a picture ID or a piece of official postal mail.

VILLAGE *of* PALATINE

A Real Home Town

 Send to Printer

Recreational fires are those that are typically found at single family homes; essentially a campfire generally attended by a small number of people vs. the bonfire scenario that we would see at a college or church where there could be 50 people or more. Bonfires at multi-family, commercial, assembly; or institutional buildings are required to obtain a permit. This can be obtained from the Palatine Fire Prevention Division. You can contact them at (847) 359-9029.

**Village requirements for outdoor fires can be found in the 2003 edition of the International Fire Code, section 307.

Requirements

- Open burning fires that will be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The Fire and Police Departments are authorized (Nuisance Law) to order the extinguishment of any objectionable recreational fire.
- The location for open burning fires shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. Exception: Fires in approved containers that are not less than 15 feet from a structure.
- The wood pile size shall be 3 feet in diameter or less, and 2 feet or less in height.
- Open burning fires, recreational or bonfires shall be constantly attended until the fire is extinguished. On site extinguishing equipment shall always be available for immediate use.
- Manufactured fireplaces are allowed provided they meet the required size limits of 3 feet in diameter or square and 2 feet in height. Fireplaces must be screened and have a lid to prevent flying embers. Home built fireplaces will require a building permit.

Fireplace Safety Tips

- **Keep safety your first consideration.** When using an outdoor fireplace, fire pit or fire bowl never leave unattended. The wind can suddenly increase or shift direction, children or pets can unexpectedly bump into something or fall on to the pit. Never allow children to play with the fire materials.
- **Select your firewood to minimize smoke.** Burn clean cut wood only. Well seasoned hardwoods such as Oak and Hickory produce less smoke than unseasoned wood or softwood. The burning of plant material in any form, construction material in any form is prohibited.
- **Start with a small fire.** The first time you use your outdoor fireplace or fire pit, use minimal fuel. Learn how your outdoor fireplace or fire pit draws air, how it responds to changes in wind direction, and how long it burns before you need to add more wood.
- **Use the protective covering.** If your outdoor fireplace or fire pit comes with a protective cover, use it to shield you outdoor fireplace or fire pit from the elements.
- **Use the screen.** Most outdoor fireplaces and fire pits have mesh screens. After the initial flames have died down, place the screen in front of or over the fire. This will help control sparks and burning debris.
- Be prepared to extinguish the fire. Always keep a hose, water supply, sand bucket or fire extinguisher with in reach when using your outdoor fireplace or fire pit. At the end of the evening you will want to be sure your fire is completely out before leaving your outdoor fireplace or fire pit.
- Be courteous to your neighbors. Check with your neighbors, they may have a medical condition that could be severely affected by the smoke from your fire. If wind conditions exist that can blow the smoke into their homes, refrain from burning or relocate the fireplace to a different area.

If you have any questions or concerns regarding the information in the pamphlet, can be directed to the Palatine Fire Prevention

http://www.palatine.il.us/departments/fire_prevention_division/recreationalfirepit... 12/2/2009