

VILLAGE PRESIDENT  
Ray Danford

VILLAGE CLERK  
Jerry Menard

VILLAGE TRUSTEES  
Rita Baker  
Seth Speiser  
Charlie Mattern  
Ray Matchett, Jr.  
Steve Smith  
Mike Blaies

# 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  
Weilmuenster Law Group, P.C

December 3, 2012

## 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 5, 2012, at 4:30 p.m.**

### LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

#### I. Items to be Discussed:

##### A. Old Business

1. Approval of November 14, 2012 Minutes
2. Status of Public Hazard Homes
3. Unionization
4. Update Code Book
5. Nuisance Abatement Code
6. Resident complaint about dust from high school parking lot
7. Class B liquor license
8. 101 E. Hill

##### B. New Business

1. Conducting business out of the home

##### 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)]; collective negotiating matters between the public body and its employees or their representatives [5 ILCS 120/2 (C)(2)] or real estate transactions [5 ILCS, 120/2 - (c)(5)]

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



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Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Speiser/Baker/Mattern)  
Wednesday, December 5, 2012 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:36 p.m. by Chairman Seth Speiser on Wednesday, December 5, 2012, 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 November 14, 2012 Minutes: Trustee Rita Baker motioned to approve the November 14, 2012 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Dennis said he doesn't believe there is anything new on the Herr issue. Rita said the old Comptom house on St. Route 15 is looking worse. Mayor Danford said we can do more with that because of the nuisance abatement code. Seth said the old Claussen home on W. Washington Street needs to be looked at.
3. Unionization: Dennis said the public works employees ratified the contract and it will be taken to the Personnel meeting next week and then onto the board meeting. Attorney Manion will be filing a Notice of Appearance with respect to the administrative staff's unionization. Brian will exclude any part-time staff from joining their bargaining unit.
4. Update Code Book: On hold for now.
5. Nuisance Abatement Code: Stumpf's court date has been continued to February. Stumpf met with Chief Woodruff wanting to know what the Village had against him. Stumpf told Mel his attorney won't be representing him anymore. Dennis thinks this may further delay the case.
6. Resident complaint about dust from high school parking lot: Nothing new.
7. Class B liquor license: A revision to the current code was presented in October which would better define when liquor can be sold. Trustee Rita Baker motioned to recommend to the full Board the ordinance on alcoholic beverages for approval and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

Legal and Ordinance Committee Meeting  
Wednesday, December 5, 2012

8. 101 E. Hill: Dennis said we have nothing new to report. We are waiting to hear back from Ernst's attorney.

**B. NEW BUSINESS:**

1. Conducting a business out of the home: Dennis said we received a complaint from a neighbor about Scott Harris operating a construction business out of his home. Zoning Administrator Borger discussed this with Mr. Harris and was told he is basically using his home as a mailing address for his business. He parks one work truck there. Phil was satisfied with that and does not think anything else needs to be done.

**C. GENERAL CONCERNS:** None.

**D. PUBLIC PARTICIPATION:** None.

**E. ADJOURN:** *Trustee Rita Baker motioned to adjourn at 4:48 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, November 14, 2012 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:31 p.m. by Chairman Seth Speiser on Wednesday, November 14, 2012, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern), Mayor Ray Danford, Village Clerk Jerry Menard, Village Administrator Dennis Herzing and Office Manager Julie Polson.

## A. OLD BUSINESS:

1. Approval of October 3, 2012 Minutes: Trustee Rita Baker motioned to approve the October 3, 2012 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Julie said Phil Borger sent Bill Herr another letter about the trailer on the property.
3. Unionization: Dennis said Attorney Manion and Jim Beck met last week. He believes the issues have been ironed out and we are waiting for Jim to schedule a meeting for the public works employees to ratify the contract.
4. Update Code Book: On hold for now.
5. Nuisance Abatement Code: Stumpf's November court date is being continued. Dennis said Attorney Manion is working on having Stumpf charges with multiple violations instead of just one.
6. Resident complaint about dust from high school parking lot: Nothing new.
7. Class B liquor license: The committee will review the proposed ordinance and discuss it at next month's committee meeting.

## B. NEW BUSINESS:

1. 101 E. Hill: Included in the packet is a letter from Attorney Philip Rice who represents the property owners that want to sell this property. Zoning Administrator Borger had informed the realtor that the Village wouldn't allow that property to be fixed up for multi-family use. Attorney Manion replied to Rice's letter on November 2<sup>nd</sup> advising them several years have passed when the property was used for multi-family use. Our code states if a non-confirming use of a property is discontinued for 12 months, the non-confirming use can't resume. Our code also states if the structure is fixed, it would have to be brought back in compliance with the zoning code. That structure

Legal and Ordinance Committee Meeting

Wednesday, November 14, 2012

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

does not meet the setbacks. Dennis believes the costs to tear down the structure exceed the value of the property. The village would like to see the structure torn down.

**C. GENERAL CONCERNS:** None.

**D. PUBLIC PARTICIPATION:** None.

**E. ADJOURN:** *Trustee Rita Baker motioned to adjourn at 4:38 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



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Office Manager

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November 16, 2012

Mr. Scott Harris  
Harris Construction  
924 Wingmead  
Freeburg, IL 62243

Re: Harris Construction

Dear Mr. Harris:

We recently received a complaint from one of your neighbors about you running a business in your home.

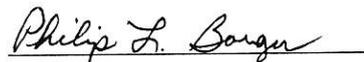
Running a business in your home is allowable in an SR-1 zoned district if you go before the Board of Appeals and are granted a special use permit.

You also must abide by limitations and requirements set forth in the Zoning Code, see enclosure.

If you have any questions, please contact me at 618/539-5546.

Sincerely,

Village of Freeburg



Phil Borger  
Zoning Administrator

PB/jp  
Enclosure

**§ 155.303 HOME OCCUPATIONS.**

(A) *Limitations on use.* A home occupation shall be considered a special-use in any residential district, provided the home occupation is subject to the following limitations.

- (1) The use shall be conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants living there and only one other person.
- (2) The use shall be clearly incidental and secondary to the use of the dwelling and dwelling purposes and shall not change the character of use as a dwelling.
- (3) The total area used for the home occupation shall not exceed one-half the floor area of the user's living unit.
- (4) There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the accessory building and shall not exceed two square feet in area and which shall not be illuminated.
- (5) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- (6) There shall be no offensive noise nor shall there be vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- (7) There shall be no storage or use of toxic, explosive or other dangerous or hazardous materials upon the premises.
- (8) A home occupation, including studios or rooms for instruction, shall provide an off-street parking area adequate to accommodate needs created by the home occupation.
- (9) The use must be in conformance with all valid covenants and agreements recorded with the County Recorder of Deeds, covering the land underlying the dwelling.
- (10) A home occupation permit may be issued for any use allowed by the Zoning Code, providing all other criteria for issuance of a home occupation permit are met. No home occupation permit shall be issued for any other use.

(B) *Permit required.* A home occupation shall not be permitted without a special-use permit being granted by the Zoning Board of Appeals, which shall determine whether or not the proposed home occupation complies with all applicable laws and ordinances.

- (1) The applicant for a home occupation permit shall be responsible for providing a list of surrounding landowners and tenants.
- (2) A hearing upon the application shall be held in accordance with the rules and regulations of the Zoning Board of Appeals.

(C) *Activities not covered.* No home occupation permit shall be required for activities such as telecommuting, involving no outside sign, little or no increase in traffic, and with only occasional visits by members of the public to the home. As used in this section, "telecommuting" means working in the home by using a computer terminal connected by the telephone line to a central office or central computer.

(D) *Parking.* See Section § 155.252.

(E) *Signs.* See § 155.279.

(Former Code, § 40-7-4) Penalty, see § 155.999

#### § 155.304 JUNK YARDS.

(A) No part of any junk yard, which includes any lot on which three or more inoperable vehicles are stored, shall be located closer than 500 feet to the boundary of any residential district.

(B) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely-planted shrubbery at least ten feet high and of sufficient density to block the view from adjacent property.  
(Former Code, § 40-7-5) Penalty, see § 155.999.

#### § 155.305 NURSING HOMES.

(A) The lot on which any nursing home is situated shall have a minimum width and depth of 200 feet and a minimum area of two acres.

(B) The principal building of any nursing home shall be located at least 25 feet from all lot lines.  
(Former Code, § 40-7-6) Penalty, see § 155.999

#### § 155.306 RECREATIONAL VEHICLES.

The regulations of this section do not apply to travel trailers or other recreational vehicles parked in a permitted travel trailer park that conforms to the pertinent requirements of the Mobile Housing Code. The requirements of divisions (A), (C) and (D) do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicles sales lot.

(A) Not more than two travel trailers or recreational vehicles shall be parked on any lot. They shall not be parked on a street.

(B) No travel trailer or other recreational vehicle shall be used as a dwelling.

(C) No travel trailer or other recreational vehicle shall be used as an office or for any other commercial purpose.