

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

April 2, 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, April 4, 2012, at 4:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of March 7, 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. Political sign ordinance

B. New Business

1. Class C Liquor License language revision

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.]; 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)].

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

The meeting of the Legal and Ordinance Committee was called to order at 4:32 p.m. by Chairman Seth Speiser on Wednesday, April 4, 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 and Village Administrator Dennis Herzing.

A. OLD BUSINESS:

1. Approval of March 7, 2012 Minutes: Trustee Rita Baker motioned to approve the March 7, 2012 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Dennis doesn't have anything new with the Sheets' cases.
3. Unionization: Dennis said Attorney Manion and Jim Beck have been going back and forth on a couple of issues regarding the public works negotiations. We advised Jim Beck if we would like to avoid mediation, for them to come back with some suggestions on their outstanding issues.
4. Update Code Book: This is on old for now. Dennis needs to review Frank's proposed sample chapter.
5. Nuisance Abatement Code: Seth said Bill Herr hasn't done anything yet to clean up his property. Rita talked to Phil about Stumpf who said what he has doesn't have anything in it about noise. Dennis talked to Brian Manion who said if you want to go after Stumpf about the noise, you would basically be starting over. Rita said the Gentry and Anderson families are willing to sign a complaint. Dennis said he will get together with Phil and Mel about this and will then talk to Rita about the complaint.
6. Resident complaint about dust from high school parking lot: The committee would like Phil to call the high school to see if they have plans to asphalt the parking lot since we have received complaints. Dennis will check with Phil on this.
7. Political sign ordinance: Seth said we never really decided what to do about this. Dennis said he previously prepared an ordinance to address signs and also said we ended the sign discussion with not doing too much to regulate the signs in town. Seth asked if we are going to allow Clayton to put out signs on the sidewalk since we let Garys and Reifschneiders put signs out. Dennis said he believes Clayton is a different situation because Koppeis agreed to limit the temporary signs out there. Mayor Danford said we did have a discussion about maximum amount of signage per business. Dennis said he was supposed to go back to their original sign permits to see what square footage amount has been used. Seth suggested the temporary signs be taken in at the close of business. Ray asked why would we want to restrict the signs if it helps business except

Legal and Ordinance Committee Meeting

Wednesday, April 4, 2012

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

we don't want them to become a nuisance. Seth would like to see them used if it helps the business. The committee agreed to temporary signs being able to be placed in front of the business during business hours. Once the business closes for the night, the sign has to be taken in. Dennis said the sign ordinance has to be rewritten anyway because of the political signs, so he will include the new rules for the temporary signs in there. He will write the ordinance to include total sign per lot size not more than 16 square feet and the signs have to stay off the right-of-way and also the sidewalk. Seth would like a letter mailed out to the businesses in town that this would affect.

Mayor Danford left the meeting at 4:52 p.m. Trustee Mattern asked if we are going to address the various materials left out on lots, like the mulch at Ace, and Dennis said that may be in the zoning code. We should either enforce it or change it and Dennis will look into that.

Rita was contacted by an acquaintance who has family here in Freeburg. The family received a letter from Phil stating they can't have concrete blocks in the alley. Dennis said this is an ongoing dispute between neighbors and it should be handled by the police. Rita thought the family had called the police because they had been threatened by the neighbor. Dennis said Mel is pretty good about advising people on what to do in these situations.

B. NEW BUSINESS:

1. Class C Liquor License language revision: Dennis said the current language doesn't differentiate between the classes and doesn't work for retail establishments that have liquor licenses. Our code says if you sell liquor, you can't be open between 1 - 6:00 a.m. This problem came up when Caseys called to say they were going to stay open 24 hours like Motomart does. Right now, Motomart just stops selling liquor at 1:00 a.m. The committee agreed to have Dennis change the ordinance.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn at 5:08 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Transcribed from tape by
Julie Polson
Office Manager

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Speiser/Baker/Mattern)
Wednesday, March 7, 2012 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:30 p.m. by Chairman Seth Speiser on Wednesday, March 7, 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 January 31, 2012 Minutes: Trustee Rita Baker motioned to approve the January 31, 2012 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Dennis said with respect to the Sheets' case where we had been awarded over \$20,000 in attorneys' fees, Attorney Manion is working on foreclosing all of Sheets' properties in St. Clair County to try and recoup those fees. Dennis also said Leon Furtak is doing a great job on the house on Main Street.
3. Unionization: Dennis said he has the public works counterproposal regarding the call out procedure and will get a copy to all of the trustees well before the next board meeting. Dennis said he recently participated in an IMEA survey and will be able to compare the results to see how other municipalities handle situations like call outs.
4. Update Code Book: This is on old for now. Dennis needs to review Frank's proposed sample chapter.
5. Nuisance Abatement Code: Dennis confirmed the letter was sent to Bill Herr regarding the clean up of his property and trailer. The deadline for Bill Herr to take care of everything is 5/16/12. Seth asked what happens if Bill doesn't comply, and Dennis said we would take him back to court. The Village is now issuing occupancy permits for residential customers purchasing or renting in Freeburg. Seth said Nick told him the County may be adopting the 2012 building code later this summer. Mayor Danford asked if there has been any movement on the Ernst property and Dennis is not sure of the status.

Rita brought up the Stumpf situation and asked if there is anything we can do about it. The committee discussed the options we have available to us since Stumpf is repairing lawn mowers one at a time out of his garage and then taking them to his grandson's to switch it out with another one. Ray said maybe this could be addressed under our noise ordinance. We could go after it as a nuisance rather than operating a business. Dennis will talk to Attorney Manion to see the best way to handle this. We will probably start with directing Phil to issue Stumpf a citation for noise. We need to check our code to see if our officers have the ability to issue monetary tickets.

Legal and Ordinance Committee Meeting
Wednesday, March 7, 2012

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

6. Resident complaint about dust from high school parking lot: The committee would like Phil to call the high school to see if they have plans to asphalt the parking lot since we have received complaints.
7. Noise Ordinance: Julie contacted approximately 15 municipalities and only a few responded. Red Bud handles noise issues as a nuisance complaint and cites the offender under that portion of their code. If we treat it as a nuisance, someone would still have to sign a complaint. The committee agreed to not revise our code regarding noise issues since our code has not been proven ineffective. Item can be taken off the agenda.
8. Sign permit for Breadeaux: Seth talked to Clayton who told him he will contact Joe Koppeis if he wants to pursue this further. Item can be taken off the agenda.
9. Kaiser purchase of lot at Industrial Park: Item can be taken off the agenda.
10. Political sign ordinance: The suggested ordinance Dennis wrote concerning temporary signs was discussed at length. Rules have to be content neutral meaning the rules would apply to all signs. No temporary signs could be placed on the right-of-way and doesn't allow for portable marquee signs. We can place reasonable size limits as long as that limit applies to all signs and he suggested 16 square feet. Ray said it is pretty hard to enforce a sign ordinance and asked if charging a fee would help do that.

The temporary signs at the Market Place were also discussed. It was noted Reifschneiders has a temporary sign and Garys has a daily sign out. Seth felt temporary signs should be permitted in a business district. With respect to the Market Place, Dennis said we might want to look at the total sign limit as a way to measure if individual business signs can be put out. The committee agreed to have all temporary signs in the right-of-way pulled and Ray said Phil could the majority of them with the police officers helping out. The committee also asked that Dennis put an article in the paper to advise temporary signs are not permitted in the right-of-way.

B. NEW BUSINESS: None.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn at 5:51 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

- (A) Bodily injury liability: \$50,000 for each person; \$100,000 each occurrence;
- (B) Property damage: \$50,000 each occurrence;
- (C) Means of support or loss of society: \$55,000 each occurrence;

(D) Combined single limit: In lieu of individual insurance coverage listed in divisions (A), (B), and (C) of this section, the applicant may provide a combined single limit policy in the amount of \$200,000.

(Former Code, § 21-2-9) (Am. Ord. 912, passed 1-5-98)

§ 115.24 DISPLAY OF LICENSE.

Every licensee under this chapter shall cause his or her license to be framed and hung in plain view in a conspicuous place on the licensed premises.

(Former Code, § 21-2-10)

§ 115.25 RECORD OF LICENSES.

The Mayor shall keep a complete record of all licenses issued by him or her and shall supply the Clerk, Treasurer, and Chief of Police a copy of the same. Upon issuance or revocation of a license, the Mayor shall give written notice to these same officers within 48 hours.

(Former Code, § 21-2-11)

REGULATIONS

§ 115.35 HOURS.

(A) A retail liquor license shall entitle the licensee to sell at retail alcoholic liquor and beverages and to operate and keep open between the hours of 6:00 a.m. and 1:00 a.m. on the succeeding day.

(B) It shall be unlawful to keep open for business or to admit the public to, or permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of alcoholic liquor is prohibited; provided, that in case of restaurants, clubs, and hotels such establishments may be kept open for business during times when food is dispensed upon the premises in that portion of the building used for the storage and/or sale of food for human consumption.

(C) No alcoholic liquor shall be sold and all licensed premises must remain closed at all other times other than those above specified. Any holder of a retail liquor license or his or her agent or employee

who violates the provisions of this chapter in regulating the legal hours of operation shall, upon conviction, of the first offense, be fined not more than \$500 and suffer the revocation of such retail liquor license. The times referred to above shall mean Daylight Savings Time when the same is in effect in the village, and upon the cessation of Daylight Savings Time, shall mean Central Standard Time.

(D) On six special occasions per calendar year, the Liquor Commissioner may grant an extra hour for a licensee to remain open.

(Former Code, § 21-3-1) (Am. Ord. 918, passed 8-3-98)

Statutory reference:

Authority, see ILCS Ch. 235, Act 5, § 4-1

Sunday sales permitted, see ILCS Ch. 235, Act 5, § 6-14

§ 115.36 HAPPY HOUR RESTRICTIONS.

(A) All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensee's premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at the establishment.

(B) No retail licensee or employee or agent of such licensee shall:

(1) Serve two or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except selling or delivering wine by the bottle or carafe;

(2) Sell, offer to sell, or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;

(3) Sell, offer to sell, or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized in subsection (C)(7) of this section.

(4) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

(5) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or

(6) Advertise or promote in any way, whether on or off the licensee's premises, any of the practices prohibited under subsections (B)(1) through (5).

Julie Polson

From: Missy Roth [MRoth@swanseail.org]
Sent: Tuesday, January 31, 2012 9:56 AM
To: jpolson@freeburg.com
Subject: RE: Noise Ordinance

Julie,

I think this is the section that the police would use in the event of loud noise. It pretty much covers everything. If you need anything further, please let us know.

Missy

SECTION 13-204. DISTURBING THE PEACE.

No person shall disturb the good order of society, or the peace of any private family, or of any congregation within the Village of Swansea, by any noise or amusement, or by vulgar or profane language, or by any disorderly or immoral conduct.

From: Barb Kimutis [mailto:bkimutis@swanseail.org]
Sent: Tuesday, January 31, 2012 9:27 AM
To: Missy Roth
Subject: FW: Noise Ordinance

From: Julie Polson [mailto:jpolson@freeburg.com]
Sent: Tuesday, January 31, 2012 9:04 AM
To: Barbara Kimutis
Subject: Noise Ordinance

Barb: Good morning! Does Swansea have anything in its code that addresses excessive noise, or anything that might address someone having a party or a business that plays music and setting time limits on them?
 Thanks!

Julie Polson
 Office Manager
 Village of Freeburg
 14 Southgate Center
 Freeburg, IL 62243
 618/539-5705
 618/539-5590 (fax)

*Distributed to
 WLO trustees
 on 3/19/12*

"CRUISING IN OR CONGREGATING AND LOITERING OUTSIDE A MOTOR VEHICLE IS UNLAWFUL. NO UNOCCUPIED MOTOR VEHICLES MAY BE LEFT ON THE PREMISES WITHOUT THE CONSENT OF THE OWNER."

27-4-5 TRAPPING ANIMALS. It shall be unlawful for anyone to trap game or fur-bearing animals unless permission is granted by the City Council.

27-4-6 REFUSAL TO DISPERSE. No person in the municipality shall knowingly fail to obey a lawful order of dispersal by a person known by him to be a police officer under circumstances where **three (3) or more persons** are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance, or alarm.

27-4-7 FIGHTING. No person in the City shall start a fight, offer to fight, engage in a fight, assault or strike another person or provoke a breach of the peace by threatening to assault or strike another person.

27-4-8 LOUD AND UNNECESSARY NOISE AND MUSIC.

(A) No person or entity in the City shall create any unreasonably loud or unnecessary noise and disturb the peace and quiet of the City or of any citizens thereof by:

- (1) Sounding of any horn, whistle, siren, or other signaling device, except where necessary to warn of the danger of any approaching vehicle;
- (2) Playing of radio, loud speaker, public address system, or other electronic device in a loud and unnecessary manner;
- (3) Keeping any animal or bird which by frequent and long continued noise disturbs the comfort and repose of any person in the vicinity;
- (4) Unnecessary banging, pounding, clanging, clattering, or other loud noises not necessary in the performing of any useful work;
- (5) Excessively loud operation of motor vehicles, including, but not limited to automobiles, motorcycles and motorbikes.

(B) The following acts are declared to be unreasonably loud or disturbing noises in violation of this Code, to wit:

- (1) The playing, using, operating or permitting to be played, used or operated any radio receiving set, musical

instrument, phonograph, stereo, or other machine or device for the producing, or reproducing or broadcast of music or other sound in a loud or disturbing manner between the hours of **1:00 a.m.** and **8:00 a.m.**, wherein the sound emanating from such device is plainly audible at a distance of **fifty (50) feet** from the source or is plainly audible inside a neighboring residential occupancy with the doors and windows closed.

- (2) The playing, using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, stereo or other machine or device for the producing, or reproducing or broadcast of sound in such manner wherein the sound emanating from such device is plainly audible inside a school, church, hospital, medical clinic or nursing home during operating or business hours with the doors and windows closed.
- (3) For the purpose of this Section, "plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. An Enforcement Officer need not determine the title of a song, specific words or the artist performing the song; the detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound. A "residential occupancy" includes single family dwellings, multiple family dwellings, boarding house rooms, hotel rooms or motel rooms.
- (4) The following uses and activities shall be exempt from these regulations:
 - (a) School sponsored activities conducted on school property at times other than between the hours of **10:00 p.m.** and **7:00 a.m.** (Additional hours by permit)
 - (b) Church related activities conducted on church property at times other than between the hours of **10:00 p.m.** and **7:00 a.m.** (Additional hours by permit)
 - (c) Authorized City sponsored or permitted parades and events.
- (5) The first violation of the Section shall result in a written or verbal warning and the issuance of a ticket by the City with a fine of no less than **Seventy-Five Dollars (\$75.00)** and no more than **Seven Hundred Fifty Dollars (\$750.00)**. If a second or subsequent violation occurs within **ninety (90) days** of a previous written or verbal warning, the City

635.1

[Supplement No. 9; 08-15-08]

shall order the permanent cessation of the activity causing or creating the violation or the revocation of any permits or license for any business in violation of the Section and issue a subsequent ticket with a fine not to exceed **Seven Hundred Fifty Dollars (\$750.00)**, each day a violation occurs shall be considered a separate offense. **(Ord. No. 1129; 12-19-06)**

27-4-9 **PROFANITY.** No person in the City shall use obscene, profane, vulgar, offensive, or unseemly language to the annoyance or vexation of others.

27-4-10 **PEEPING TOM.** No person in the City shall enter upon the property of another and for a lewd and unlawful purpose deliberately look into a dwelling or property through the window or other opening in the City.

27-4-11 **SCAVENGERS PROHIBITED.**

(A) The term "**scavenger**" as used in this Section shall mean a person who collects or disposes of refuse, wastes or rubbish as described in **Article III, of Chapter 25** of this Code.

(B) It shall be unlawful for any person to work or function as a scavenger, as defined herein, in the City. No person shall scavenge through any trash receptacle, dumpster, or container.

27-4-12 **FALSE REPORT OF OFFENSE.** No person shall transmit in any manner to any police officer of other public official or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed.

27-4-13 **INTERFERING WITH FIREMEN.** No person shall, at any fire, hinder, delay, resist, or obstruct any officer, fireman, or other person in the discharge of his duties or neglect or refuse to obey the lawful command of any police officer or fireman at the scene of a fire.

27-4-14 **THROWING JUNK ON PRIVATE PROPERTY.** No person shall throw, place, or deposit any dirt, ashes, trash, cans, bottles, junk, or other objects whatever upon the premises of another in the City.