

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Ray Matchett, Jr.
Steve Smith
Mike Blaies
Mathew Trout
Dean Pruett
Elizabeth Niebruegge

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
Tony Funderburg

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Stanley Donald

VILLAGE ATTORNEY
Weilmuenster Law Group, P.C

August 26, 2013

NOTICE

MEETING OF LEGAL AND ORDINANCE COMMITTEES **Annexation; Building; Zoning; Subdivision** **(Trout/Matchett/Pruett)**

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, August 28, 2013, at 4:45 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of July 31, 2013 Regular and Executive Session Minutes
2. Status of Public Hazard Homes
3. Update Code Book
4. Nuisance Abatement Code
5. 101 E. Hill
6. Complaints regarding Pickers on Wheels
7. Furtak – 113 E. Apple
8. Increase in fees
9. Zoning Reports for July 9th and July 15th
10. Swimming pool regulations
11. Checklist for new business owners

B. New Business

1. Sample Responsible Bidder Ordinance
2. Crowe Final Plat Subdivision Letter

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)].

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Trout/Matchett/Pruett)

Wednesday, August 28, 2013 at 4:45 p.m.

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The meeting of the Legal and Ordinance Committee was called to order at 4:46 p.m. by Chairman Matt Trout on Wednesday, August 28, 2013, in the Freeburg Municipal Center. Members attending were Chairman Matt Trout, Trustee Ray Matchett, Trustee Dean Pruet, Mayor Seth Speiser, Village Administrator Tony Funderburg, Zoning Administrator Gary Henning, Trustee Elizabeth Niebruegge Trustee Ray Matchett and Village Clerk Jerry Menard. Guest present: Janet Baechle.

A. OLD BUSINESS:

1. Approval of July 31, 2013 Regular and Executive Session Minutes: Trustee Dean Pruet motioned to approve the July 31, 2013 regular and executive session minutes and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Gary advised Dean Gauch purchased 111 S. Walnut. He advised Gary he will be working on the property each weekend. It will be towards the end of fall before it gets done. Dean talked to Gary about getting a variance to put a building up. Gary would rather see Dean ask to get the building rezoned as industrial. Gary said the barn on S. Vine is being repaired. Gary talked to the realtor for 101 E. Hill. She wants 30 days in order to get bids on tearing down the building.
3. Update Code Book: Tony advised it is going to take a long time to go through the update that is included in the packet. Trustee Matchett asked what our code is for manufactured homes when one is taken out, can another one be put in? Gary said yes, in an M-1 it can. Seth said if it's not in a mobile home park, they can't. Tony believes there are some that are grandfathered in throughout town. Tony said through this process of updating the codebook is where some of our challenges will come in. We need to really go through it and make sure it is what we want.
4. Nuisance Abatement Code: Gary said Pickers has the inside cleaned up. There have been no problems. On auction night, Reifschneiders parking lot can be used and on the weekends, Reifschneiders can use their lot.
5. 101 E. Hill: See above. This will be combined with number 2 above.
6. Complaints regarding Pickers on Wheels: Discussed above. Item can be taken off the agenda.
7. Furtak – 113 E. Apple: Gary explained during the hearing, Leon advised the Plan Commission he wants to rezone the property as MR-2 instead of MR-1 which is how it was noticed in the newspaper. Gary explained to Leon that if he goes MR-2 he will

Legal and Ordinance Committee Meeting
Wednesday, August 28, 2013

need an architect seal and Leon wants to move forward with that. The next hearing before the Plan Commission has been scheduled for September 12th.

8. Increase in fees: Tony said we will probably see more of this as we go through the proposed update to the codebook.
9. Zoning reports for July 9th and July 19th: Gary said Dairy Queen will be undergoing some cosmetic renovations.
10. Swimming pool regulations: Matt stated we will take care of this in the spring.
11. Checklist for new business owners: Tony said we are working on this. He said when we have the new website, everything will be better.

Gary said he has a problem with Terry Dye maintaining his property at 11 S. Richland. If we cut it, we can put a lien on the property and that way, it's kept looking neat. Seth said to tell Terry we will give him 30 days to get the property in order and if it isn't taken care of, we will put a lien on the property.

B. NEW BUSINESS:

1. Sample Responsible Bidder Ordinance: Tony passed around the proposed ordinance. He also attached our code and thinks adopting this is a great idea. He wants to put this into the new code and the committee agreed.
2. Crowe Final Plat Subdivision Letter: Tony said Mike Crowe already submitted his final plat to the county for approval. For him to subdivide the existing two lots to four lots, he only needs a letter from this committee stating he has our approval. Tony said he would like to subdivide in order to provide land to his children.

Trustee Dean Pruett motioned to recommend to the full Board we authorize Mayor Speiser to send a letter to Mike Crowe authorizing the two lots be subdivided into four lots and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: Janet Baechle asked about her petition to have the stop sign removed in her subdivision. Mayor Speiser advised her it was sent to the Streets committee. Trustee Niebruegge told Janet the committee did not move forward with the request based on the police department's recommendation that they would not recommend removing a stop sign. The committee advised Janet to come back to the Streets committee and the topic will be discussed further. Janet said if they don't want to remove the stop sign, maybe the speed limit can be reduced.

E. ADJOURN: *Trustee Dean Pruett motioned to adjourn at 5:15 p.m. and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.*

Transcribed from tape by
Julie Polson, Office Manager



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(Trout/Matchett/Pruett)
Wednesday, July 31, 2013 at 4:45 p.m.

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The meeting of the Legal and Ordinance Committee was called to order at 4:47 p.m. by Chairman Matt Trout on Wednesday, July 31, 2013, in the Freeburg Municipal Center. Members attending were Chairman Matt Trout, Trustee Ray Matchett, Trustee Dean Pruett, Mayor Seth Speiser, Village Administrator Tony Funderburg, Zoning Administrator Gary Henning, Trustee Elizabeth Niebruegge Village Clerk Jerry Menard and Office Manager Julie Polson. Guest present: Janet Baechle.

A. OLD BUSINESS:

1. Approval of June 26, 2013 Minutes: Trustee Ray Matchett motioned to approve the June 26, 2013 minutes and Trustee Dean Pruett seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Gary advised the owners sold 111 S. Walnut and the new owner will tear down the home and erect a new building. On Vine Street, there is a barn in bad shape. The owner is going to tear down two-thirds of that building, keep the remaining third and have it done by the end of August.
3. Update Code Book: We have not received anything from Frank. Administrator Funderburg said there is a new storm water code which is regulated by the federal government and Frank will be adding it to our revision.
4. Nuisance Abatement Code: Zoning Administrator Henning said Pickers should be out of Sanders' building and if that is accomplished by the deadline, Gary will have the court date withdrawn. Tony advised the committee that Ken Stumpf came into Village Hall asking if he could have more than one lawnmower at his home. Tony will advise him by letter we have to follow the court order which states only one lawnmower may be kept on the premise.
5. 101 E. Hill: Gary talked to the realtor of this property and she advised if the property does not sell, she will have it torn down.
6. Complaints regarding Pickers on Wheels: Gary is concerned that Pickers is not going to follow the rules but he will monitor their new location. They have several repairs that need to be done to the building before they can open their business. Some work has been done. We will also monitor the auctions to make sure the parking doesn't become an issue.
7. Website: We can take this item off the agenda. It has been moved to the Finance committee.

Legal and Ordinance Committee Meeting
Wednesday, July 31, 2013

8. Furtak – 113 E. Apple: We received the request from Leon to rezone the property. A discussion was held on whether or not we should rezone the property or allow Leon to obtain a special use permit to have a multi-family unit as an allowable use in the SR-1 district. Some of the committee members plan on attending the Plan Commission hearing tonight to talk to them.
9. Increase in fees: Tony said we are trying to monitor our fees to insure we are charging a reasonable amount to cover our costs.
10. Zoning reports for July 9th, July 15th and July 30th: Gary reviewed his most recent zoning report dated July 30, 2013. He stated the resident on Tall Maple is obtaining bids on her sidewalks and if that costs too much, she is going to request a variance. He asked the committee's opinion on whether or not McDonald's should have to apply for a sign permit to change the menu boards. The committee said since the boards are already in place, a new permit was not necessary.

B. NEW BUSINESS:

1. Swimming pool regulations: Gary said our swimming pool code matches the State of Illinois' code exactly. He said there are going to be changes made to the code in the near future. We have around 20 – 25 homes with swimming pools that do not comply with our current code. The committee agreed to send a letter out to all of those homeowners that have a pool and give them 30 days to comply with our code. Next year when pool season approaches, we will advise our residents of the new regulations.

EXECUTIVE SESSION

5:14 P.M.

Trustee Dean Pruett motioned to enter into Executive Session at 5:14 p.m. citing personnel, 5 ILCS, 120/2-(c)(1) and litigation, 5 ILCS 120/2-(c)(11), and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.

EXECUTIVE SESSION ENDED

5:17 P.M.

Trustee Matt Trout reconvened the regular session of the Legal/Ordinance Committee meeting at 5:17 p.m.

Trustee Matchett questioned the auctions that are going to be held at Pickers new location and how the parking is going to be handled. Trustee Trout stated it is their responsibility to handle the parking, and if we start receiving complaints, then we will have to deal with it.

C. GENERAL CONCERNS: Trustee Niebruegge asked if we have a checklist when a new business owner comes into Village Hall on everything that is needed. Julie said we don't have a checklist but said that is a great idea. She stated the staff advises the business owner of the appropriate permits needed for their specific business.

D. **PUBLIC PARTICIPATION:** None.

E. **ADJOURN:** *Trustee Dean Pruett motioned to adjourn at 5:21 p.m. and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

Illinois Codification Services

ESTABLISHED IN 1970

P.O. BOX 69, FREEBURG, ILLINOIS 62243-0069
Telephone: 618/539-5771 — Facsimile: 618-539-9890

August 6, 2013

Hon. Seth Speiser, Mayor
Village of Freeburg
14 Southgate Dr
Freeburg, IL 62243

RE: Revised Code

Dear Mayor Speiser:

Pursuant to my contract with the Village, I am including **four (4) copies** of the proposed code for the Village Attorney and Board's review and consideration. It is my suggestion that in order to complete the local review process, the Village Board should assign the various topics and/or proposals to the Board's standing committees, the Village Attorney, the Police Chief, the Administrator, the Superintendents, the Office Manager or anyone else who may be able to contribute to the project. Whenever that review process is complete by January 15th, 2014 or earlier, I will meet with the Board to discuss the conclusions arrived at during those Village meetings. Sometimes my basic suggestion is to roll-over the current policies into a modern well-organized model that I have developed over the years so that the Village Board does not have to "re-invent the wheel". Also, when the Code is completed and adopted, a copy should be placed in the County's law library.

I have reviewed the information document and modified our models accordingly. **Any ordinance passed since the start of this project should be sent to me immediately.**

I would like to offer some practical suggestions regarding the ordinances and resolutions:

- (1) Local ordinances do not have to be published in a newspaper, but published in pamphlet format, which seems to be the practice. I suggest the following format to the conclusion of each ordinance:

SECTION 3. EFFECTIVE. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by the **Illinois Compiled Statutes, Chapter 65; Section 5/1-2-4.**



ALBION
ALHAMBRA
ALORTON
ALTMONT
ARGENTA
ASHLAND (2)
ASHLEY (2)
AVON
BALDWIN (3)
BECKEMEYER (2)
BELL
BELLVILLE
BENTON
BENTONVILLE
BERRY
BLUFFS
BONE GAP
BREESE (2)
BROWNSTOWN
BUNCOMBE (2)
BUNKER HILL (2)
BUTLER (2)
CARLINVILLE
CARLYLE
CARROLLTON (2)
CENTRAL CITY
CHESTER (3)
CHESTERFIELD
COFFEEN (2)
COLCHESTER
COULTERVILLE (2)
CREAL SPRINGS
DALTON CITY
DAMIANSVILLE
DAWSON (4)
DE SOTO (2)
DONNELSON
DOWELL
DUPO (2)
DUQUOIN
EAST CARONDELET (2)
ELKVILLE
ELMWOOD
ENERGY (2)
ENFIELD
EVANSVILLE (2)
FAIRVIEW HEIGHTS
FAYETTEVILLE (4)
FISHER
FOREST CITY (2)
FREEBURG
GIBSON CITY (2)
GIRARD
GOLCONDA (2)
GRAFTON
GREENFIELD (2)
GRIGGSVILLE (2)
HARRISTOWN
HARTFORD (2)
HECKER (3)
HERRIN
HILLSBORO
ILLIOPOLIS (2)
IRVING (3)
JOHNSTON CITY
JONESBORO (2)
JUNCTION CITY (2)
KANSAS
KANSAS CITY (2)
KANSASVILLE
LAWRENCEVILLE (2)
LIVINGSTON
LOAMI (2)
LOUISVILLE
LOVINGTON
MACON
MARINE (2)
MARISSA (2)
MASON (2)
MCLEANSBORO
MOUNDS (2)
MOUNT CLARE (2)
MOUNT STERLING
MOWEAQUA
MURPHYSBORO (2)
NEW ATHENS (2)
NEW BADEN (2)
NEW BERLIN
NEW CAMTON
NEW DOUGLAS
NEWMAN (2)
NEWTON
NIANTIC (2)
NOBLE
NOKOMIS (2)
NORRIS CITY
OBLONG
OKAWVILLE (4)
OREANA
PERCY (2)
PIERRE (2)
PLEASANT HILL (2)
PLEASANT PLAINS
PONTOON BEACH
PRAIRIE du ROCHER
PULASKI (2)
RAMSEY
RED BUD
ROODHOUSE (2)
ROYALTON (2)
ST. JACOB (2)
ST. JOHNS (2)
ST. LIBORY (4)
SANDOVAL (2)
SAWYERVILLE
SMITHTON (2)
SORENTO
STAUNTON
STEELEVILLE
SULLIVAN
SUMMERFIELD (2)
TABLE GROVE
TAMMS (2)
TAYLORVILLE (2)
TAYLORVILLE
VALMEYER (2)
VIRDEN (2)
WALTONVILLE
WESTFIELD
WEST CITY (2)
WEST SALEM
WESTVILLE (2)
WHITE CITY (2)
WILLIAMSON (2)
WILLISVILLE (2)
WINCHESTER
WITT
WOODLAWN
PLUS 115 OTHERS

Passed by the Village Board of the **Village of Freeburg, Illinois**, on this _____ day of _____, **2014**.

JERRY MENARD
VILLAGE CLERK
FREEBURG, ILLINOIS

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
Mayor Speiser					

Approved by the Mayor of the Village of Freeburg, St. Clair County, Illinois, this _____ day of _____, 2014.

SETH SPEISER, MAYOR
FREEBURG, ILLINOIS

ATTEST:

JERRY MENARD
VILLAGE CLERK
FREEBURG, ILLINOIS

-
- (2) Any time the Village Code is revised, amended or changed, an ordinance shall be passed by the Board and approved by the Mayor.
 - (3) One copy of all new ordinances should be located in a loose-leaf binder in chronological order, so they are accessible and the public may obtain copies under the Freedom of Information Act.
 - (4) The second copy of each ordinance should be placed in a file in a fireproof vault after it has been approved by the Mayor. These copies should not leave the Village Hall.
 - (5) The third copy should be mailed to our firm annually in order that new pages (supplements) may be prepared for the Code books on a timely basis.
 - (6) Copies of important chapters should be provided to businesses and/or individuals affected by the law.

- (7) Always maintain a separate file of annexation ordinances to ensure that they have been properly recorded at the County Building. Keep an up-to-date corporate limit map in the same file as prepared by your engineers. A recent review of a local city found \$1.3 million in assessed valuation not on the tax books, because the annexation ordinances had not been recorded. There may be a problem in our area that will need to be addressed separately.
- (8) Maintain a separate file of all vacated street and alley ordinances. They should also be recorded at the County Building, after approval. When street names are changed those ordinances need to be recorded also!
- (9) If a resolution is passed, place it in a separate binder. Do not amend or revise any ordinance provision with a resolution! Everything in the Village Code requires an ordinance to amend it, not just a motion!
- (10) The Village ordinances should be numbered as follows:

2013-1460	2014-1463	2015-1466
2013-1461	2014-1464	2015-1467
2013-1462	2014-1465	2015-1468
- (11) Non-home rule municipalities are limited to a maximum ordinance penalty of \$750.00, unless the legislature amends the statutes in this session.
- (12) Ordinances shall be passed by a roll-call vote and as our sample indicates showing how each trustee voted and then the approval paragraph by the Mayor, which is being done currently.

In order to better understand the ordinance procedure, the following excerpt from Stewart Diamond's chapter on "Ordinances" in the book, Illinois Municipal Law, Vol. I, is offered for information:

PUBLICATION OF ORDINANCES

Once an ordinance has been properly published in pamphlet form, or otherwise, no further notice to the public of its existence or its terms is necessary before it can be enforced. Publication is notice to the world of the existence of the ordinance. [**Village of Fox River Grove v. Aluminum Coil Anodizing Corp. 252 N.E. 3d 225 (1969)**].

Chapter 65, Sections 5/1-3-1 through 5/1-3-6 and Chapter 50, Section 220/0.01 through 220-7 provide methods of adopting technical codes, construction regulations and public records by reference.

Ordinances required to be published must be published within **thirty (30) days** after passage [**Ill. Comp. Stat., Chapter 65, Sec. 5/1-2-4**]. It should be noted that such ordinances may be published either by publication in a newspaper or by printing in a book or pamphlet form by authority of the corporate authorities. Substantial publication costs may be saved by assembling mimeographed or typewritten copies of the ordinance declaring it to have been published in pamphlet form. In such instances a title page should be added to the ordinance.

It may be advisable for municipalities to publish all ordinances in pamphlet form. This practice will alleviate any question as to whether an ordinance should or should not be published. The municipality may end all but a few unusual ordinances with the words, "This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law." The municipality must then make certain that all such ordinances are, in

fact, published in pamphlet form. It has been held that an ordinance which did not need to be published, but which contained those words, was not valid if it could not be shown that it was actually published. [**Homefinders Inc. v. City of Evanston, 357 N.E. 785, (1976)**].

As has been stated, ordinances requiring publication do not become effective until 10 days after publication. This requirement is particularly important in connection with the adoption of a tax levy ordinance. Ten (10) full days from the date of publication of the appropriation ordinance must be permitted to intervene if the tax levy ordinance is not to be attacked for lack of passage of proper time. In computing time, the statutes provide that it should be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, or holiday as fixed by statute, and then it shall also be excluded. If the day succeeding such Saturday, Sunday, or Holiday is also a holiday or a Saturday or Sunday, then such day shall also be excluded. [**Ill. Comp. Stat., Chapter 715, Section 5/5, but see Chapter 715 Section 5/6**]. It is not even necessary to publish the tax levy ordinance.

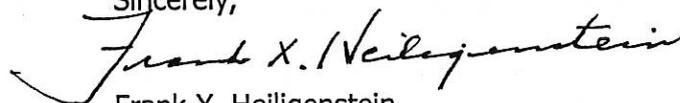
When it is required by law that any legal notice or publication shall be published in a newspaper, it means a newspaper that has been regularly published for at least one (1) year prior to the first publication of the notice and which meets such other statutory requirements. [**Ill. Comp. Stat., Ch. 715, Sec. 5/5, but see Ch. 715, Sec. 5/10**].

65 ILCS 5/1-3-1 through 1-3-6, and 50 ILCS 120/1 through 120/7, provide methods of adopting technical codes, construction regulations and public records by reference. **One (1) copy** of the records to be adopted by reference must be filed with the Clerk **thirty (30) days** prior to the passage of the ordinance adopting them. It must then remain on file with the Clerk and be available for public inspection. Penalty clauses contained in such records or regulations may not be adopted by reference and must be provided for in the adopting ordinance, which must be published as required by law. The procedures for passage of such ordinances may be altered by using home rule authority. (**65 ILCS 5/1-3-2**). *City of Rockford v. Suski*, 90 Ill. App. 3d 681, 413.

In conclusion, the Village Code is a valuable document that should be kept supplemented every year, if necessary. When new officials take office, they should be advised of their responsibilities of maintaining a current code. When kept in a viable condition, it will serve as a valuable administrative tool for the operation of your local government.

Continue to send us all ordinances that are adopted until the final code is finished and adopted.

The attached notes should be studied by all corporate officials when reviewing the Code.

Sincerely,

Frank X. Heiligenstein

FXH:kmg
Enclosures

**TO: CORPORATE AUTHORITIES
FREEBURG, ILLINOIS**

FROM: FRANK X. HEILIGENSTEIN *FxH*

IN RE: "REVISED CODE OF ORDINANCES"

DATE: AUGUST, 2013

I am submitting a comprehensive code that should be reviewed to determine what chapters are suitable for the Village. Some of these laws are mandated by the state or federal governments.

CHAPTER 1 - ADMINISTRATION (PROPOSED). The first part of the chapter on Administration is designed to establish the guidelines for implementation of the Code. The penalty provisions of Sections 1-1-20 contains a penalty limit of \$750.00. **It is important to remember that the penalty provisions in Section 1-1-20 are applicable to the entire code** and there is usually no need to provide a penalty section in future ordinances that amend this Code, although that is what many Boards have done. The county judges usually fine the defendant whatever he feels appropriate.

VILLAGE BOARD (ARTICLE II). In Sections 1-2-1 through 1-2-17 I attempt to locate the laws that affect the Village Board. Special meetings (Section 1-2-3) require **forty-eight (48) hours** notice, and this includes any committee meetings. Whenever a member fails to attend Village Board meetings, a policy should be in the Code (Section 1-2-7) to handle the situation such as no pay after missing two meetings. Section 1-2-11 establishes the Rules of the Board and should be followed. Section 1-2-12 requires an agenda 48 hours in advance of the meeting, that I believe the Village is in compliance with. In Section 1-2-13 I have included the new law regarding visitors addressing the Board, as this has been mandated by the state.

The procedure for enacting ordinances is included in Section 1-2-14. This language was revised several years ago to allow a series of ordinances, or a consent agenda, etc. pertaining to one project or subject to be passed with one motion.

ART. II - DIV. IV - GENERAL PROVISIONS (PROPOSED). In general this Division captures the various regulations and policies applicable to local officials that are sometimes not found in the local ordinances!

In Section 1-2-19 we allude to the election duties in the statute and when newly elected officials assume office at the first meeting in May. This Section may read April or May depending upon local preferences. I recommend May to allow a transition period of sufficient length.

Section 1-2-20 is a reminder that elected officials are not to serve on the Zoning Board, the Plan Commission or other entities that recommend projects to the Village Board in addition to other elected officials. The same applies to officials of other taxing bodies serving an appointed office in the Village.

In Section 1-2-21 a wide variety of laws come into play starting with the qualifications for holding an appointive office. **Paragraph (F) is directed to any official that is paid a salary based upon the fees he collects in that office. The 1970 Constitution**

prohibits this activity, but it is still occasionally found in the State. Also, in paragraph (H) local officials may be Conservators of Peace, if they complete a police training course, but that is not a very practical idea for elected officials to do.

In Section 1-2-23 the qualifications for holding an elected office are mentioned as a reminder to present and future officials and it has been revamped! Are the bond amounts for each official satisfactory? These are the amounts, I believe, established by IMLRMA in Article IV. In Section 1-2-25 the Village is permitted to purchase liability insurance and it is suggested that all appointed officials and board members be brought under this umbrella of protection. The Illinois Municipal Risk Pool seems to be the vehicle of choice to cover these liabilities and official bonds. Under Section 1-2-26 we establish the Bidding requirement for the Village with a \$20,000.00 limit. This procedure was developed by the Illinois Institute of Continuing Legal Education as a standard to follow and is used by hundreds of municipalities. This amount may be raised in the near future, when the legislature balances the state budget.

We are including the statutory language (Section 1-2-27) regarding salaries of elected and appointed officials. Any increase in salary for elected officials must be accomplished by an ordinance 180 days prior to the assumption of office. All elected salary adjustments should have been adopted by November, 2012, or earlier for the 2013 elections. All salary increases have to be accomplished by ordinance.

In Section 1-2-29, we provide that local officials may be reimbursed expenses if they are submitted in writing and related to village activities. Social security is covered in Section 1-2-32.

DIVISION V - VACANCIES. In a recent legislative session a problem was addressed regarding elected municipal officials. The Illinois Municipal League drafted this language to remedy the situation. All officials may wish to read this Division for its implications regarding future vacancies in local offices.

DIVISION VI - MAYOR. In this Division, I list the Mayor's responsibilities, duties and powers which are scattered in the statutes!

In Section 1-2-57 it calls for the Mayor to be proactive and get involved in the supervision of the Village. One of the most overlooked sections is 1-2-58, wherein the Mayor is to provide the annual "state of the Village" message. My suggestion is that once a year the "Corporate Authorities" gather as a "committee of the whole" to discuss (with no action) what they would like to see happen in the community during the next year or two. Also, could discuss any "capital improvement" program.

Section 1-2-59 provides that the Mayor will be the Business License Commissioner. In many villages, it is not a bad idea to have all commercial establishments obtain a license so there is an accurate list of businesses on file. This would serve as a check and balance to compare with the state's sales tax list that the Village can secure. Many businesses do not pay any sales tax to the municipalities.

Section 1-2-61 establishes the Mayor as the Health Commissioner, but the County Health Department should be used in all cases, whenever and wherever they have jurisdiction. Their inspection procedures may support a prosecution more adequately.

The tie-breaking power of the Mayor is included in Section 1-2-62. One should remember that whenever the vote is 3-0; 3-1; 3-2 or 3-3, the Mayor also votes in order to establish a majority. [On all ordinances the roll call vote shall be listed for each Trustee at the conclusion of the ordinances and in the minutes.]

DIVISION VII – CLERK - PAGES 31-33. Under this Division, we incorporate the duties and responsibilities of the office of Village Clerk. As the Village Board reviews this with the Village Clerk, I would like to know of any discrepancies in the listed duties that may be assigned to another official, such as the Treasurer or a Collector. This position is appointed in many municipalities in downstate Illinois.

DIVISION VIII - TREASURER. The responsibilities of the Treasurer begin with Section 1-2-82 and continue through 1-2-95.

The Annual Financial Report stipulated in Section 1-2-95 has been revised during the last few years. When this report is posted, as required by state law, those businesses and/or vendors that receive less than \$2,500.00 during the fiscal year are aggregated together under a Miscellaneous Line item! **[Previously this was \$1,000.]**

We are unsure as to who is responsible for submitting the Annual Appropriation Ordinance (Section 1-2-94) – the Clerk, the Treasurer or both. Remember all Village expenditures are to be included in this law, whether or not they are from governmental or proprietary funds. In other words, all utilities are included, as well as other possible construction expenditures.

When depositing funds of the municipality, the Treasurer should become acquainted with Section 1-2-95 and also the provisions of the Investment Policy in Chapter 22. Any new depository should be added by an ordinance. Are there any other banks? **[See the Illinois Municipal League Handbook for additional information.]**

DIVISION IX – ADMINISTRATOR. Everything looks fine in this division!

DIVISION X - VILLAGE ATTORNEY. This division should cover the duties and responsibilities of your attorney. Should Section 1-2-107 still be included?

DIVISION XII - ENGINEER. Are there any revisions necessary for this position?

DIVISION XIII – PUBLIC WORKS DIRECTOR. Does the Village wish to expand the duties and responsibilities?

DIVISION XIV - CODE ENFORCEMENT OFFICER. Remember that if this person is inspecting any structures he will have to be a certified inspector. Please cross out any duties not assigned to the office. This is a very critical area of enforcement.

DIVISION XV – UTILITY BILLING CLERK. If this position had any more duties she would jump out of a basement window!

ARTICLE III – SALARIES. We have listed the current salaries pursuant to the information sheet. Any revisions?

ARTICLE IV includes the Illinois Municipal League Risk Management Association law that the Village adopted in the past. I did have an ordinance number for this Article.

ARTICLE V – MEETING PROCEDURES. This is a recent law that was enacted to allow elected officials to participate in a meeting from a remote location. It also delineates the rules for closed meetings and the proper handling of the minutes.

CHAPTER 3 - ANIMALS (DOGS, ETC.) (CURRENT). Animals, especially dogs and cats, cause more aggravation for local residents and officials in the spring and summer time than anything else. Usually those complaints surface at a Village Board meeting and once again a solution is sought to remedy the annual problem. Every municipality should have an up-to-date Animal Control Code and local residents should be made aware of it. Selected Code pages should be mailed to known dog and cat owners who allow their pets to roam freely. Then the municipality should be prepared to either enforce the law locally or establish a cooperative program in conjunction with the County. This law is our most recent model that has been developed and modified in conjunction with state officials.

Article I - General Provisions. This Article should be reviewed by the Board for any changes. It includes the required basic provisions from the state statutes.

In Section 3-1-9 a limit is placed upon the number of cats and dogs a person may have in the house etc. Many municipalities are using this type of law to limit the number of animals per household as some individuals believe they should be able to have all the animals they wish. Local residents should be encouraged to report animal hoarders. One resident in the area had 125 cats. Section 3-1-10 prohibits certain animals from being in the Village, unless in a zoned agricultural district.

Article II – Dogs. Article II regulates dogs and various activities surrounding those pets with a few revisions from a few years ago. The County is currently issuing a license and there is no need for a local license.

Article III is statutory language concerning vicious dogs that could be sent to violators in a warning letter and subsequently issue a citation.

CHAPTER 4 – BOARDS AND COMMISSIONS. In Article I the Plan Commission was established in the 1960's for the purpose of creating a Zoning Code. At that time it was the Zoning Commission. In December 1969 the Zoning Code was adopted after some very contentious hearings. The Commission consisted of rural and village residents. The motivation to establish a Zoning Code was that the County would zone the Village if it did not have its own zoning program. There should be more programs assigned to this group so they meet every month.

Article II creates the Cemetery Board which has not been appointed in recent memory. It has the responsibility of taking care of the Foulkes Cemetery which all Board members should visit soon. There are several Civil War veterans buried there.

Article III establishes the Economic Development Commission and I am not sure it exists since there has not been anything in the newspaper.

There is no doubt the purposes of this group as briefly outlined in Section 4-3-2 should be pursued. Are the required reports to the Village Board (Section 4-3-14) being made?

In Article IV an "insurance" committee has been established and I trust is operational. Several municipalities have recently retained Gallagher Ins. Group from Chicago for their coverage.

Are there any other commissions that I am missing?

CHAPTER 6 – BUILDING REGULATIONS. The current building codes are contained in this Chapter. The content represents what the county is currently enforcing for the Village. I do not know when these codes will be updated to a more recent edition like 2012.

CHAPTER 7 - BUSINESS LICENSES (OVERVIEW). Every municipality has authority to regulate and license certain businesses and professions. Since this authority devolves from the municipality's police power, the business regulations prepared and adopted locally must be drafted to protect public health, safety, and welfare without unduly interfering with the conduct of a valid business.

Non-home rule municipalities may regulate and license only those businesses which the State has specifically empowered them to regulate; any non-home rule municipal ordinance purporting to regulate a business or activity not specified in or necessarily implied by statute is void. [According to the information sheet no business licenses are issued.]

Licensing fees generally must bear a reasonable relation to the actual costs of enforcing the regulations. However, with respect to certain businesses, State statutes grant municipalities the additional power to tax. (See, for example, Ill. Comp. Stats., Ch. 65, Sec. 5/11-42-1.) In these instances, the municipality may properly issue business licenses to generate municipal revenue. Municipal officials must take care to avoid classifications and discriminations violative of due process rights and equal protection.

In Article I business regulations are included as established in the 1980's. These are the basic laws that most towns have whenever there is a business presence. If anyone has any revisions feel free to suggest them. Obviously there is a need to do a better job at enforcing these provisions. Some communities require that businesses enclose their dumpsters.

Article II – Solicitors and Article II – Peddlers remain the same, unless the board wishes to raise the fees.

In Article IV junk yards are regulated but not encouraged under zoning.

Article V regulates coin-operated machines and I tweaked the last section of this law regarding gambling. May want to increase fees in Section 7-5-6 if they are collected at all.

In the raffle regulations I believe the Village has done a good job issuing licenses to keep the state from swooping in and confiscating organizational funds. No raffles without a license!

CHAPTER 8 - CABLE TELEVISION. The only law on the books is one from the Municipal League that establishes fees for cable providers that are not affiliated with Charter Communications.

I still need the current Charter franchise agreement and the Village needs to adopt the sister ordinance that went with the one on the books.

CHAPTER 9 – CEMETERY REGULATIONS. I did not find any cemetery policies if there is a need for any.

CHAPTER 10 – ELECTRIC SYSTEM. I have added Sections 10-1-1 and 10-1-2 to create a parallel provision to Chapter 38 creating an official department.

There is a need to clean up the drawings and I have included some for review.

CHAPTER 11 – EMPLOYEE CODE. This is one chapter that has been amended extensively over the years. If there is any indication that more revisions are needed please advise. Several related regulations are to be found in Chapter 22 – Mandated Policies.

CHAPTER 14 - FLOOD PLAIN CODE. This is the current law from the 1990's and whenever the Zoning Administrator issues a permit the location needs to be checked against the flood plain maps. Sometimes the IDOT staff will audit the Village's building permits.

CHAPTER 15 – FRANCHISES. All of the franchises that the Village currently has is included in this Chapter. I believe I have everything.

CHAPTER 16 – HEALTH REGULATIONS. The recently enacted solid waste regulations, etc. seems to be adequate. In Appendix "A" the current Waste Management agreement has been included. One of the best programs that the Village ever started.

CHAPTER 21 – LIQUOR (EXISTING). We rolled over the existing classes and restrictions on licenses, the fees, the hours, etc. into our model. This will make it a whole lot easier for the Mayor and Police Chief to review the contents. Every board member should read this Code.

The liquor code has been designed by a number of state and local experts to include a broad range of problems that may be experienced in the enforcement of this law. The Mayor and the Police Chief should review the Chapter for any revisions.

In Section 21-2-6 I have modified the number of liquor licenses that can be issued for taverns. Under the current law, there were over 5 available licenses. The remaining classes do not have any limits. Taverns in residential neighborhoods are subject to the nonconformity provision of the Zoning Code.

In **Article IV (Penalty and Revocation)** of the Liquor Code, I included the revocation proceedings and recent enactments that should be included in all local liquor laws. Section 21-4-1 and 21-4-2 discuss the extent of liability that the licensee, agent or employer has with regard to violations of this Code. The Mayor may revoke the license (21-4-3) of an establishment if the licensee has been convicted of any violation of the Liquor Code.

Any structure etc. used in violation of this Code may be declared to be a public nuisance and abated (Section 21-4-6). It is to be noted that when a license has been revoked no new license shall be granted for one year. In an effort to keep local authorities abreast of the dram shop act, we are including Section 21-4-8 which stipulates additional powers for the Mayor. These should be closely read!

In Section 21-4-10, the Mayor may levy penalties of \$1,000, \$1,500, \$2,500 for consecutive violations in a 12 month period, instead of suspending or revoking the license. A total of \$15,000.00 in penalties can be assessed during a one year period.

CHAPTER 22 - MANDATED POLICIES (PROPOSED AND EXISTING). I have decided to locate all laws that are being mandated by the federal and state governments in one chapter. There will be room to add more in the future. Just what all of us needed, more laws from up above!

Article I contains the current Identity Theft Policy that was passed in 2009. This was one of those federally mandated laws that was provided by the I.M.E.A. Very few villages adopted this mandated regulation. In the same article I have included the non-disclosure law regarding the social security numbers.

In Article II outlining the Freedom of Information policy that was adopted in 2010. It is not the model that I have been using around the state. Not sure of the source of this policy, but I am leaving it in the Chapter as adopted.

The model Fair Housing law that is sometimes required for grants is found in Article III. I do not believe it was ever included in the Code, if adopted. The Village needs to be very careful when reviewing a proposed housing program.

The Investment Policy is being moved to this Chapter in Article IV as it is a state mandated law that should have been in Chapter 1 previously. It should have been adopted over 10 years ago.

Article V – Ethics Code. This law was adopted by the Village in 2004 at the demand of the legislature. There are longer versions, but this is the short policy. However, all local officials should access the constraints of the gifting to officials that is prohibited and is probably available on the League's web site. As an example it is not legal to accept tickets to a Cardinal baseball game.

In Article VI the Equal Employment Policy is included and is required for several grants. I do not believe it had been adopted by ordinance before.

A Drug Free Workplace Policy is provided in Article VII and it may not be needed if your attorney thinks the provisions of Chapter 11 are sufficient. Oftentimes federal and state programs will require evidence that there is an ordinance in place. The same applies to Article VIII.

Article IX contains the standard Sexual Harassment Policy that should always be in place to govern internal behavior and what happens when an incident occurs.

CHAPTER 23 – MANUFACTURED HOUSING. The current law governing "manufactured homes" or as they were formerly called "trailers" or "mobile homes" has been tweaked in order to be in sync with the state statutory references.

In the Chapter I have indicated what paragraphs have been updated.

Many towns the size of Freeburg have prohibited manufactured homes because of a variety of reasons. Freeburg has too many and no more should be permitted. A Property Maintenance

Code should be enforced in regard to these structures. A sidebar is that these units in the parks do not pay their fair share of taxes. A good agreement for a gas and electric tax and drop the real estate taxes proportionately. Sorry, I digressed.

About two years ago the state passed a law that provides all manufactured homes outside parks will be on real estate tax when the title changes hands.

On page 23-4 I have added the adoption of two state codes by reference. Someone should always make sure that the parks are in compliance.

CHAPTER 24 - MOTOR VEHICLES. In this Chapter I included all of the regulations that were originally in the Village Code. All additions are noted in the margins. One of the bigger problems is that these are a lot of campers, large trucks, etc. parked illegally on our streets. Oftentimes businesses operating in residential neighborhoods illegally are parking their vehicles on the street in many cases blocking the view of drivers entering intersections.

I replaced Article VII – Abandoned Vehicles with the newest version from the statutes. There are still too many junk vehicles around which detracts from the beauty of the community. If the village seriously enforces this law and publish those activities in the newspaper, it will send a loud message to other violators.

Weight limitations as enacted in 2001 are found in Article VIII.

As noted on the list of stop signs, etc. someone needs to review the list to ensure I have all of the traffic signs.

CHAPTER 25 - NUISANCES (EXISTING). The Nuisance Control Law prohibits the creation or maintenance of a nuisance anywhere in the municipality. Numerous hazards and annoyances are specifically outlawed and administrative warning tickets can be utilized for enforcement.

In Article I all **General Nuisances** are detailed, which can be expanded and/or contracted depending upon the preferences of the corporate authorities. It is important that the enforcement officials follow through with the violator so the local citizens know the Village Board means business. The penalties in Section 1-1-20 apply to the entire Code. I have added several paragraphs to this Article.

Article II covers the topic of **Weeds**, etc., and the statutory process whereby the problem is alleviated through the notification process and eventual abatement.

Article III - Garbage and Debris is a law that allows municipalities the right to eliminate unsightly yards of garbage, trash, and debris. This law needs to be enforced vigorously to get residents to keep clean yards.

Article IV - Inoperable Vehicles. This Article represents the most recent local law relative to vehicles left inoperable on private property and classed as a nuisance. **[May not need the provisions in Chapter 24; Article VII.]**

Article VI - Buildings as Nuisance (Proposed). It is suggested that the Village adopt the state statutes by reference, as it changes faster than the weather.

In some jurisdictions, the County Health Department assists in the condemnation process and local officials should review their options with the County. In addition, if the building is occupied, a Property Maintenance Code is relied upon to force the owner to make repairs or maybe demolish the structure. Either way it is a lot of aggravation to go through to force a person to clean up a derelict structure.

Article VI - Penalties represents the latest state law that enables a village to collect an adequate penalty as well as impose a lien.

[If there are any derelict structures immediately outside the corporate limits that the Village wants demolished - call the County's Zoning Office or the Health Department. It may be able to help.]

CHAPTER 27 - OFFENSES (PROPOSED). Among the acts or types of conduct which should be prohibited or controlled in the general regulatory ordinances are those such as gambling, intoxication in a public place, disturbing meetings, making unnecessary noises, giving false alarms of fires or disasters, the use of firearms within the municipality, throwing or casting any missiles in any public place, the deposit of refuse, particularly combustible refuse in any public place or in any place where it may cause annoyance or a fire hazard; and in general, all anti-social conduct of serious consequence recognizable by law.

It is a practical impossibility to list all the regulations which should be adopted to prohibit all conduct contrary to the public welfare in an urban community. Such matters as leaving articles on window ledges where they might fall onto a public street, circulation of indecent publications, maintaining scaffolds or ladders where they might fall on a public highway, the construction of fences with barbed or other dangerous parts on, or near, or abutting a public way and many other unrelated acts are to be included in such regulations. **[The State is restricting the ability of non-home rule villages to regulate certain activities.]**

Article I - Definitions adopts the Criminal Code by reference plus the state definitions that are applicable.

In **Article II** I have included a broad range of laws in this area providing for new language that has been prepared in part by Springfield experts. Section 27-2-28 reflects the Curfew law that was modified several years ago. I have included the "sanctity of funerals" provision. Upholstered furniture is prohibited in outdoor locations because some "downhomers" think that is the best location for those sofas.

Offenses Against Property are covered in Article III. Article IV includes several provisions that protect the public health and safety. In Article V I am locating a very typical law regarding littering. It is a national model that is utilized by hundreds of cities in Illinois.

Article VIII - Truancy. Most of the municipalities and counties have decided to add a provision on truancy at the request of the local school districts. It will provide our police department a new tool to work with.

Article IX - Open Burning. We are including the current article regulating open burning. Landscape waste burning (as defined) is permitted. **Section 27-8-2 prohibits burning of household trash, garbage and agricultural waste.**

According to John Justus of the Illinois E.P.A. it is against federal law to burn household trash. If a community allows the burning of trash, by ordinance, that law is not valid as the more stringent E.P.A. rules prevail. He said, "The ban against burning of household wastes went into effect in 1970 and was meant to reduce particulates in the air in populated areas."

In rural America, where landfills and incinerators are sparse, an estimated 20 million people burn their trash outdoors, some in old 55-gallon oil drums. How much pollution goes up in smoke, the EPA wondered? A study analyzed barrel-burned trash, which included paper, cardboard, plastic, tin cans, food waste, and glass. The result: Barrels may release as many dioxins as did all municipal incinerators in 1995, before the EPA tightened incinerator rules.

In **Article IX** weapons and explosives are addressed as amended by Ord. 981 from 2001. The Village will have to revise this article in light of the state's passage of the "conceal carry" law. In Division II the storage of explosives is regulated, which is a carryover from the early coal mining days in this area. The fireworks policy is outlined in Division III and was the result of the state fire marshal's rule making authority. Are there any revisions necessary?

Article X includes the current law on Bodily Harm that still looks appropriate.

Article XI regulates that controversial subject of "Adult Uses" that many towns are including in their codes. If the Village does not wish to include it, I will delete it.

The current law on public morals is found in **Article XII** and will be retained.

In **Article XIII**, I am providing a regulation governing Sex Offenders that was included in a recent newsletter that has been adopted by many towns also.

Article XIV regulates smoking inside various buildings such as our taverns.

Synthetic drugs are regulated and prohibited in **Article XV**. This law has been adopted by any municipality that wishes to regulate the product.

The final **Article XVII** regarding Drug Paraphernalia is included governing the materials.

CHAPTER 29 – PROPERTY MAINTENANCE CODE (DID NOT LOCATE).

Purpose. The reason for adopting and enforcing a Code of this nature should be obvious when there are residences and structures that are not being repaired and/or maintained in the community. So often there is a problem with absentee landlords or rental units that an owner does not wish to spend more funds on at any time. Whenever the corporate authorities determine that they are going to adopt such a law the silent majority will support such a move. However there may be some criticism leveled by the landlords.

Does the Village have the ability to sign an agreement with the County to conduct the inspections? The toughest aspect of any law is enforcement, but it may get rid of homes that are hazards. Village officials will have to work closely with any program of this nature to ensure due process. Utilities are not connected until the owner can pass a final inspection on the structure.

Article I – Administration. The contents of this Article include Division I – the scope of the law; Division II – how and what regulations will apply to the Village; Division III – a department established to inspect the properties which could be the County or someone from a private agency; Division IV specifies the duties of the Inspector; Division V – allows inspectors to modify the code requirements because of unusual conditions; Division VI prescribes the Code penalties and Division VII outlines the notices that are sent to the owners. Whenever structures are unsafe then Division VIII will be applicable and Division IX provides emergency measures that could be utilized if there is a critical and unsafe conditions. The demolition process in Division X may have to be utilized in order to remediate the situation. If the accused wishes to appeal the charges then the Code lists the procedures and what entity will conduct the hearing on appeal. Much of this enforcement could be deferred to the County. **[This is the 2006 Code that is found in many cities as prepared by the International Code Council, the same Council that writes your Building Codes, etc.]** In Division XI there is a “due process” appeals procedure that the person affected by a citation can access to an Appeals Board made up of three members who are qualified to assess the situation. It cannot be a village board member.

Article II lists the applicable definitions for this Code. In Article III the General Requirements for the interior and exterior structures are listed.

Light, ventilation and occupancy limitations are specified in Article IV. These criteria become very important in determining whether the residence is a safe and healthy place to live. Article V regulates plumbing facilities including toilet facilities. Mechanical and electric requirements are found in Article VI with fire safety criteria listed in Article VII.

CHAPTER 30 - PUBLIC SAFETY (POSSIBLE). In a Chapter of this nature I include all of the regulations pertaining to Civil Emergencies, Police, and the Emergency Management Agency or Civil Defense.

Article I governing Civil Emergencies is the same law that is in the Code and it works with the Emergency Management Agency law.

Article II - Police Department. Basically this article represents the current law, as amended, for the Police Department and it is one of the more extensive laws in Southern Illinois. I am wondering if the law on Auxiliary Police is still needed considering Section 30-2-27 regarding Part-Time Police Officers.

The reader will need to review the Police Coe in order to understand the current policy since there have been incidents in the department.

Article III contains what we use to refer as the Civil Defense department now the Emergency Management Agency. The original law was amended in 2012 outlining more definitive duties for the Director.

Are there any revisions necessary to this Chapter?

CHAPTER 31 – PURCHASING CODE (EXISTING). Someone went to a lot of work to develop this Chapter. It seems like everything has been covered and I am guessing that the policy works. I intend to use this Chapter as part of a future newsletter. I think it makes a lot of sense.

CHAPTER 32 contains storm water regulations that have not been addressed locally. There is a federal law forcing southwestern Illinois counties to adopt extensive storm water policies. R.J.N. Engineering will be in contact with the Village regarding the implementation of the Code. When it is adopted we will probably have to amend the Subdivision Code. I think the Village was invited to participate in the initial program. Dorothy Meyer at 825-2203 in the County Board office is the coordinating director. May want to ask our local engineers for their input.

There are forms at the end of the Chapter.

CHAPTER 33 – STREET CODE (EXISTING). My proposals for the Street Department include a broad range of topics, some of which are not on the books. Laws governing streets, sidewalks, etc., are oftentimes side-stepped and the Village ends up with the claim for damages. I recommend that the Superintendent and/or the Street Committee review this Chapter and compare to any present policies. **[Current law parallels this Chapter in many areas.]**

CHAPTER 33 – STREET REGULATIONS (EXISTING & PROPOSED). Articles I, II and III remain the same as before.

Article IV (Proposed) regulates utility companies that could be installing new utilities, such as cable television or even broadband in competition with your cable franchise. It was developed by a special Illinois Municipal League committee in response to AT&T getting a state-wide franchise for broadband and cable service. The former Article IV was deleted.

Article V - Street Improvements (Existing). It is a good policy to retain these provisions to encourage property owners to install sidewalks, curbs, gutters and storm sewers. Each year monies should be budgeted for this purpose and applications should be accepted and reviewed.

Article VI regarding structure numbers should be revisited by inspecting the homes around town to insure the numbers are posted.

Article VII regulates culverts and establishes the official policy for installing and replacing the same. Someone should make sure that the current law is still applicable. The same applies to driveways.

Snow removal is regulated in **Article IX** and it also should be reviewed by the Public Works Director.

Finally **Article X** regarding the relocation of buildings was adopted 20 years ago because there were a lot of houses moving around and it wasn't because of earthquakes.

Am I missing anything that the street committee wants?

CHAPTER 35 – SUBDIVISION (EXISTING AS AMENDED).

Traditionally, subdivision regulations have had two principal functions:

First, to facilitate the transfer to real estate by requiring that land be platted into blocks and lots; and second, to ensure a suitable living environment for subdivision residents by establishing design and improvement standards to which developers must adhere. More recently, subdivision ordinances have also been used to prevent undue strain on existing

community facilities by requiring the dedication or reservation of land for parks, schools, and other public purposes. This is especially true for the larger developments.

Given the critical nature of these purposes, the continuing aspiration of most families to own a detached dwelling on an individual lot and the less-than-robust financial condition of most local government units (which effectively precludes public funding of required improvements), the importance of the municipal Subdivision Code seems self-evident.

A law of this nature should be reviewed by the Village Engineer and the Public Works Superintendent periodically.

As suggested on the first page of the Code, the Engineer, the Plan Commission and the Village Administrator should review the Code. This Code was originally adopted in 1987 when I met with the Plan Commission and the Zoning Board to do a comprehensive review of the Codes.

I understand that there is still a pending "Comprehensive Plan" that was being reviewed by Ron Dintelmann. What is the status of this document?

Someone has monitored this Code well over the last 26 years.

Are there any revisions required?

CHAPTER 36 – TAXATION (EXISTING AND POSSIBLE). In Article I, I have listed most, if not all, of the categories of taxes that the Village could levy without a referendum.

One of the things that the Village could do is revisit the extraordinary taxes available such as the gas and electric utility taxes. If these taxes are accessed, they would be equally applicable to manufactured home owners and then the board could reduce the amount of taxes that the Village has in the tax levy.

Article II Taxpayer's Rights Code was supposed to be adopted a number of years ago. It was mandated to guarantee the rights of the people paying taxes to the Village.

In **Article III** the Village established the Telecommunications Tax at 5% when the maximum rate available was 6%. During the last fiscal year the Village collected \$144,038.88 at the 5% rate. If the 6% rate was in place, the Village would have collected \$27,000 more and could have reduced the real estate tax levy from \$118,517 to \$91,000.

In **Article IV** the Foreign Fire Insurance Tax is established and has been in place since the municipal fire department was established in the 1930's. Does the Village still receive this tax from the Illinois Municipal League? If it does then there is supposed to be a F.F.I. Board to authorize expenditures from the taxes.

Article V. I doubt the Village is collecting any of the Motel Tax anymore since there are not more establishments unless "bed and breakfast" counts.

As one reviews **Article VI**, there is a need to conduct a TIF District Board of Review meeting this year.

Now, just a thought! If the Village establishes a natural gas tax it may be possible to eliminate the real estate tax levy and an electric tax would seal the deal.

CHAPTER 38 - UTILITIES (EXISTING AND PROPOSED). I propose to organize the Chapter in the following sequence:

Article I	-	Department Established
Article II	-	Utility Regulations
Article III	-	Water System
Division I	-	Definitions
Division II	-	General Regulations
Division III	-	Cross-Connection Administration
Division IV	-	Water Main Extensions
Division V	-	Water Rates
Article IV	-	Wastewater System
Division I	-	Definitions
Division II	-	Use of Public Wastewaters Required
Division III	-	Private Sewage Disposal
Division IV	-	Building Wastewater and Connections
Division V	-	Sewer Main Extensions
Division VI	-	Use of Public Wastewater Facilities
Division VII	-	Inspections
Division VIII	-	Sewer Rates and Fees
Division IX	-	Penalties
Appendix	-	Forms and Applications

It is very important that within the parameters of this Chapter, that the Village continues to stipulate the pertinent policies and regulations of the applicable utility systems. Through my forty years working with Engineers, Superintendents and various committees, I believe that I have an effective chapter that is properly divided into functional areas. It is important for the committee assigned to these systems to periodically review the rate structure and fees to ensure that the municipality is not giving away its primary resources: water and sewer. **[We have incorporated the current laws into E.P.A. model. The current sewer regulations adopted years ago are found in Article IV.]**

In Article I (Department Established), the entity that is to provide the service, albeit water or sewer utilities, has been established. Sometimes the duties and responsibilities are enumerated here or in Chapter 1 for the Superintendent or Director.

Article II – Utility Regulations. Article II establishes various regulations by which the customer takes the utility services from the municipality. In Section 38-2-1, I list various contractual agreements, that the customer agrees to be bound by, through the signing of an application for the applicable utility service. These applications appear at the end of the Code and were suggested by the E.P.A. It is imperative that an application file be maintained. In any case, review the various paragraphs and the conditions that the customer agrees to, when he applies for a service.

Subsection 38-2-1(H) specifies the billing procedure, what constitutes a delinquent account, hearing procedure for the customer is required for "due process". By establishing a hearing process, which is assessed by less than one percent of consumers, the aggrieved person has an opportunity to be heard, if there is a complaint concerning the charges for utility services. On this topic, please note the following from Illinois Municipal Law in the IICLE set: **[Read this!]**

The circumstances under which utility service will be disconnected for nonpayment of bills should be specified by ordinance. Those procedures must be followed so as to ensure a valid disconnection. See Cocanig V. City of Chicago, 21 Ill.2d 464, 173 N.E.2d 482 (1961).

The United States Supreme Court has held that a municipality owned utility system must provide due process and give notice to a customer before terminating service when an underlying statute precludes termination of service for other than good cause. That notice must also include the procedure for challenging the termination. The procedure must afford the customer an opportunity to present his or her side of the case before termination of service. Memphis Light, Gas & Water Division V. Craft, 436 U.S. 1, 56 L.Ed.2d 30, 98 S.Ct. 1554 (1978).

In this Subsection (H), I prefer to use the current policies of the municipality so there is continuity to the law. It is very important that when the delinquent account requires a termination of service, the Village follows the law, unless there are **extreme extenuating circumstances** or the landlord is willing to pay the delinquent charges. **If a delinquent customer is not cut-off when the ordinance specifies, then the utility systems may never recover the charges and fees after the specified termination date, even though the landlord is made liable in Section 38-2-3.** It is important to notify the landlord concerning any delinquent accounts prior to terminating service so other customers are not affected by the shut-off in the same structure. Thus, if the leasee leaves the deposit behind to cover the bill and there are insufficient funds, the landlord pays the balance before the utilities are turned on to that structure.

In the final paragraphs, I outline the current law "lien" procedure that should be in all utility laws. Again, it must be carried out by the office manager or water clerk if the utility charges cannot be collected any other way and the deposit is not adequate.

Article III – Water System. We attempt to place all regulations encompassing the water system for a better understanding of the subject area including the various sections from the E.P.A. **[The current law includes most of this content.]**

In Division II, the current law from the State of Illinois' Plumbing Code prohibiting "Cross-Connections" is included as the Village was mandated to adopt the same by the Illinois E.P.A. many years ago. However, the Village by Section 38-3-32 has prohibited all cross-connections.

Division IV contained provisions for extension of water mains.

Division V entitled Water Rates is intended to include all water rate regulations for the municipality. Some general provisions are introduced that usually are required in an article on this topic by the Illinois E.P.A. for water systems.

Article IV – Wastewater (Sewer) System.

History. This Article on the Wastewater system was dictated by the Illinois E.P.A. many years as a condition for the state grant. The rates at that time had to be approved by the state. Also, reserve accounts were to be established that would be sufficient to replace the equipment in department as it became obsolete or shot.

In Division I the definitions have not changed, but cover a multitude of topics. Division II the use of the sewer system was mandated. The Village added Section 38-4-8 that require tap-ins to be made during working hours so it can be inspected. There may still be problem of raw sewage along the railroad right-of-way in the 500 block of N. Main St. Anyone who has a private sewage system must comply with the state and local restrictions and a 40,000 square foot area. Whenever an unserved property is within 150 feet of a sewer main the owner must connect to the sewer system. A private system should be inspected by the County Health department.

Regulations concerning sewer connections are found in Division IV. There has been no amendment to the Division, but I have deleted clay and glazed tile for the "building sewers". Your engineer may be consulted that I have the legal language in Section 38-4-27. In various of the code one will see a reference to the state specifications for water and sewer construction.

One of the items that occurs is the sewer main extension by developers and that is why a protocol is established in Division V. Sometimes it is to the Village's advantage to participate in the construction cost because the extension may be needed in future development. The Village through its engineers will inspect all extensions.

Division VI is a compilation of constraints applicable to the use of a sewer system. This is the most definitive description of regulation in this Article. In the past one local company discharge enough acid into our system that it destroyed all the good bacteria at the sewer plant. Section 38-4-54 represents the new grease interceptor policy that the state E.P.A. imposed. It was prepared by TWM Engineers initially for the City of Trenton. There are diagrams at the end of the chapter.

Division VII regarding inspections has remained the same since its adoption. It is critical that inspections be made as necessary. Someone in the Village needs to write an article regarding people flushing disposable diapers into the sewer that tends to clog up the lift stations.

One of the main items in Division VIII that I noticed is that the person preparing the revised sewer rates periodically is totally ignoring Section 38-4-79. This was created by the E.P.A. and someone needs to break down the current rate into the appropriate categories. Also, why is the outside sewer rate (\$4.40) the same for residents and non-residents? Very few towns allow residents hook onto the sewer without annexing. All tap on fees should be put into a capital development fund. Section 38-4-84 is a good amendment.

Any revisions necessary?

CHAPTER 40 - ZONING (EXISTING). This Chapter is the current law. We are unsure of any revisions that the Zoning Board or Plan Commission may have in mind. I have no specific recommendations regarding the code. I would like for local officials to review the following list of items:

- (1) Have the Zoning Board members been properly reappointed to five years when their terms have ended?
- (2) Has the zoning map been published in the paper as required by state statute when there were annexations or zone-district changes by March 31st of each year?
- (3) Does the Zoning Board meet to hold hearings and/or meet to discuss possible zoning changes?

- (4) Does the Village Board or the Zoning Board conduct a hearing for proposed annexations if the territory is zoned less restrictive than "A"?
- (5) Is there a record retained in the files by parcel number and by applicant's name for each applicant and/or case handled?
- (6) Is there a file generated for each permit applied for under zoning by the Zoning Administrator?
- (7) Have the Zoning Board members filed their "Statements of Economic Interest" that are due May 1st?
- (8) Is there a Zoning Administrator, who is available to the public and knowledgeable about zoning procedures?
- (9) **Is there an Administrative Zoning Manual available for the Zoning Board members to refer to, when required? If not, there should be one as developed by the University of Illinois.**
- (10) Do the Zoning Board members understand the nature of zoning and how appeals, variances, special-uses and amendments function?
- (11) Do the members have loose-leaf binders with applicable laws therein such as the Zoning Code, Subdivision Code and copies of the minutes of their meetings?
- (12) Are certificates of zoning compliance issued upon completion and inspection of the structure or land use as required?
- (13) Is the Soil and Water Conservation District contacted for its input, as required by law?

Also, see my notations in the Code.

[NOTE: If there is a need to revisit this Chapter for updating then it should be accomplished after the Village finishes the Village Code.]

SEND US ANY NEW ORDINANCES!

SAMPLE RESPONSIBLE BIDDER ORDINANCE

AN ORDINANCE AMENDING _____ OF THE _____
CODE TO FURTHER DEFINING RESPONSIBLE BIDDER

WHEREAS, Chapter _____ of the _____
County/City/Municipality
Code regulates purchases and contracts entered into by the _____; and

NOW, THEREFORE, BE ORDAINED, by the (Governing Body) of the
_____, Illinois that the following definition be added to section _____ of
County/City/Municipality
the code.

Responsible bidder for construction contracts means a bidder who meets all of the job Specifications, the following applicable criteria, and submits evidence of such compliance:

- (1) All applicable laws prerequisite to doing business in Illinois.
- (2) Evidence of compliance with
 - (a) Federal Employer Tax Identification Number or Social Security Number (for individuals)
 - (b) Provision of Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).
- (3) Certificates of insurance indicating the following coverage's: general liability, workers' compensation, completed operations, automobile, hazardous occupation and product liability.
- (4) Compliance with all provisions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades covered in the act.
- (5) The bidder and all bidder's sub-contractors must participate in active apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for each of the trades of work contemplated under the awarded contract.
- (6) All contractors and sub-contractors are required to turn in certified payrolls as specified in Illinois Public Act 94-0515, and follow all provisions of the Employee Classification Act, 820 ILCS 185/1 et seq.
- (7) All bidders must provide three (3) projects of a similar nature as being performed in the immediate past five (5) years with the name, address and telephone number of the contact person having knowledge of the project along with three (3) references (name, address, and telephone number) with knowledge of the integrity and business practices of the contractor.

BE IT FURTHER ORDAINED, that nothing herein hereby adopted shall be construed to affect any suit of proceeding now pending in any court of any rights accrued or liability incurred or cause or causes of action accrued of existing under any prior Resolution or Ordinance. Nor shall any right or remedy of any character be lost, impaired, or affected by the Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance amendment shall be in full force and effect immediately upon its adoption.

BE IT FURTHER ORDAINED, that the Clerk of this _____ is hereby
Governing Body
authorized and directed to prepare and deliver a certified copy of this Ordinance amendment to
_____ Purchasing Director.
Governing Body

The above and foregoing ordinance amendment was adopted by the _____
Governing Body
of the County of _____, Illinois, this ____ day of _____, 20__ .

