

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mathew Trout
Dean Pruett
Lisa Meehling
Ray Matchett, Jr.
Mike Blaies
Denise Albers

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 & Keck, P.C.

August 22, 2016

NOTICE

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

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, August 24, 2016, at 5:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

- A. Old Business
 - 1. Approval of July 27, 2016 Minutes
 - 2. Zoning Report/Nuisance Properties
 - 3. Combination of Plan Commission and Board of Appeals
 - 4. Noise Ordinance
- B. New Business
- C. General Concerns
- D. Public Participation
- E. Adjourn

At said Legal and Ordinance Meeting, the Village Trustees may vote on whether or not to hold an Executive Session to discuss the selection of a person to fill a public office [5 ILCS, 120/2 - (c)(3)], litigation [5 ILCS, 120/2 - (c)(11)] personnel [5 ILCS, 120/2 - (c)(1)]; collective negotiating matters between the public body and its employees or their representatives [5 ILCS, 120/2-(c)(2), real estate transactions [5 ILCS, 120/2 - (c)(5)] or discussion of executive session minutes, [5 ILCS-120/2-(c)(21)

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Meehling/Blaies/Pruett/Trout)
Wednesday, July 27, 2016 at 5:30 p.m.

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The meeting of the Legal and Ordinance Committee was called to order at 5:30 p.m. by Chairperson Lisa Meehling on Wednesday, July 27, 2016, in the Freeburg Municipal Center. Members attending were Chairperson Lisa Meehling, Trustee Mike Blaies, Trustee Dean Pruett, Trustee Matt Trout, Mayor Seth Speiser, Village Clerk Jerry Menard, Trustee Denise Albers, Trustee Ray Matchett, Zoning Administrator Gary Henning, Public Works Director John Tolan, Village Administrator Tony Funderburg and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of June 29, 2016 Minutes: Trustee Matt Trout motioned to approve the June 29, 2016 minutes and Trustee Mike Blaies seconded the motion. All voting yea, the motion carried.
2. Zoning Report/Nuisance Properties: Zoning Administrator Gary Henning said he has received a lot of requests for high grass.
3. Combination of Plan Commission and Board of Appeals: Village Administrator Tony Funderburg advised he met with Frank Heiligenstein, Attorney Manion and Mayor Speiser today. He said Frank understands what Attorney Manion has proposed and why it was proposed that way. Everyone left the meeting in agreement and also said the meeting went very well. Attorney Manion will send the code revisions to Frank for him to revise our code. Tony will get an upfront cost for that revision. Since the code is being changed, we will take it to the Plan Commission for recommendations. Tony also said this will take care of the code revision that wasn't done when we revised the code. We will have one board consisting of seven members with different functions. Once that happens, Mayor Speiser would appoint the positions.
4. Golf Carts or Side by Side Vehicles: The revised ordinance and associated code, application, inspection agreement and checklist was provided. Mayor Speiser asked if cost is included, and Tony advised it is \$100 for the inspection and a one-year sticker. The applicant pays everything at Village Hall, then we will pay the inspector. If the cart fails inspection, they get one chance to have it reinspected at no cost. Tony would like the committee to review the documents to make sure they are written to include everything you want in there. Tony said our insurance company is requiring the inspectors to carry \$1,000,000 in coverage. Our proposed golf cart plan is very inclusive and detailed.

Trustee Mike Blaies motioned to the full Board Ordinance 2016 for approval and Trustee Lisa Meehling seconded the motion, two aye votes and two nay votes. The ordinance will be placed on the August 15, 2016 agenda.

Legal and Ordinance Committee Meeting
Wednesday, July 27, 2016

Tony will send the inspection firm requirements to the four Freeburg people that asked to be considered.

5. Noise Ordinance: Tony believes we should look at sending this to the Plan Commission with the other topic to look at. He thinks the qualifiers should not be in there, for example, certain decibel level, because there is no fair way to enforce them. Instead, we should just use a 10:00 p.m. time limit. The committee was fine with sending it to the Plan Commission.

B. NEW BUSINESS:

1. Executive Session to Discuss Potential Litigation, 5 ILCS 120/2-(c)11:

**EXECUTIVE SESSION
5:58 P.M.**

Trustee Matt Trout motioned to enter into Executive Session at 5:58 p.m. citing litigation, 5 ILCS, 120/2-(c)(11), and Trustee Mike Blaies seconded the motion. All voting aye, the motion carried.

**EXECUTIVE SESSION ENDED
6:23 P.M.**

The Legal/Ordinance Committee meeting reconvened at 6:23 p.m.

Tony advised our new email server is in. He needs everyone's IPAD after Monday's board meeting so they can be reconfigured. This new server provides an additional level of needed security.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Matt Trout motioned to adjourn at 6:25 p.m. and Trustee Dean Pruett seconded the motion. All voting yea, the motion carried.*



Julie Polson
Office Manager

#

ORDINANCE 2013 - _____

AN ORDINANCE AMENDING CHAPTER 28 OF THE BLOOMINGTON CITY CODE ADDING SECTION 107 RELATING TO THE REGULATION OF NOISE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:

SECTION 1. That the Bloomington City Code, 1960, as amended, be further amended by adding the following Section 107 to Chapter 28:

Chapter 28: Section 107: Noise.

(a) **Purpose.** This Section is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the residents of the City through the reduction, control, and prevention of loud and raucous sounds, or any noise that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity. Nothing in this Section shall be construed as preventing the lawful exercise of the right to free speech protected by the Constitutions of the United States and the State of Illinois.

(b) **Definitions.**

“Loud and Raucous Noise” shall mean any sound which because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the City. The term includes, but is not limited to, the kinds of loud and raucous noise generated by the activities enumerated in subsection (d), but not including activities enumerated in subsection (f) of this Section.

(c) **General Prohibition.** It shall be unlawful for any person to make, continue, or cause to be made or continued or to allow to be made on premises under the person’s ownership or control any loud and raucous noise. Prohibited acts may be established both or either by the testimony of persons who have heard the noises and by recorded ~~decibel~~ levels. ?

(d) **Specific Acts Prohibited.** The following acts, as illustrations, among others, are declared to be loud and raucous in violation of this Section. This enumeration shall not be deemed to be exclusive. Specific acts include:

(1) **Sound Reproducing Devices, Loudspeakers, Amplifiers.** The using, operating or permitting to be played, used or operated any musical instrument, machine or electronic device, radio receiving set, phonograph, loudspeaker, sound amplifier or other objects for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or any time with louder volume than is

necessary for the convenient hearing of the person or persons who are in the room, chamber, vehicle or outdoor area in which such machine or device is operated and who are voluntary listeners thereto.

(2) **Loading, Unloading, Opening Boxes.** The creation of loud and raucous noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(3) **Construction or Repairing of Buildings and Public Improvement.** The creation (including excavation), demolition, alteration or repair of any structure or public improvement other than between the hours of 6:00 a.m. and 10:00 p.m., Monday through Saturday, except in cases of necessity in the interest of public health and/or safety, and then only with a permit from the *Village Board* ~~Public Works Director or his or her designee~~, which ~~permit~~ *permission* shall be granted for a period not to exceed three (3) days or less while the necessity continues and which ~~permit~~ *grant* may be renewed for periods of three (3) days or less while the necessity continues.

(4) **Schools, Courts, Churches and Hospitals.** The creation of any loud and raucous noise on any street adjacent to or across a real property boundary of any school, institution of learning, church, court or hospital while the same is in use, which unreasonably interferes with the workings of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, court or church.

(5) **Blowers.** The operation of any noise-creating blower, power fan, or any internal combustion engine, between the hours of 7:00 p.m. and 9:00 a.m., the operation of which causes noise due to the explosion of operating gases, fuels, or fluids, provided that the noise is loud and raucous and can be heard across the property line of the property from which it emanates. This subparagraph shall not apply to snow blowers and other snow removal machinery nor to landscaping operations conducted on golf courses. ?

(6) **Yelling, Shouting.** Yelling, shouting, hooting, whistling, or singing, so as to create loud and raucous noise, which as a result annoys or disturbs the peace, quiet, comfort or repose of persons in the surrounding area.

(e) ~~**Decibel Levels.**~~ No person shall make, continue, or cause to be made or continued or to allow to be made on premises under the person's ownership or control any continuous, predictable or recurring source of sound in such a manner as to create a sound pressure level, measured on a sound level meter using the A-weighting network, at or within the property limits of the receiving property which exceeds seventy (70) dB(A). ~~Any person providing testimony on electronic measurements shall use procedures for the measurement of sound that conform to the standards and recommended practices established by the American National Standards Institute.~~

(f) **Exemptions.** Sounds caused by the following are exempt from the prohibitions set forth in this Section:

- (1) Repairs of utility structures, which are damaged, in disrepair, or out of service and such condition pose a clear and immediate danger to life, health, or significant loss of property.
- (2) Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, and all sounds associated with City responses to emergency events.
- (3) Reasonable activities conducted on public playgrounds and public or private school/~~university~~ grounds, which are conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school/~~university~~ athletic and school/~~university~~ entertainment events.
- (4) Outdoor gatherings, public dances, shows, parades, festivals, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.
- (5) Any event that is sponsored by and directly controlled by the City or its designee.
- (6) Chiming of bells or other similar sounds produced by a religious institution, school, or clock or bell tower.
- (7) Sounds measured within any manufacturing district; excluding sounds generated within any manufacturing district that are measured outside the boundary of the manufacturing district.

(g) **Penalty.** Any person found guilty of violating any of the provisions of this Section shall be fined not less than One Hundred Dollars (\$100.00) for the first offense and not less than Two Hundred Fifty Dollars (\$250.00) for any subsequent offense. A separate and distinct offense is deemed committed each day such violation continues.

SECTION 2. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 3. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 4. This ordinance shall be effective ten (10) days after the date of its publication.

Music and amplified sound.

(a) No person on the public way shall employ any device or instrument that creates or amplifies sound, including but not limited to any loudspeaker, bullhorn, amplifier, public address system, musical instrument, radio or device that plays recorded music, to generate any sound, for the purpose of communication or entertainment, that is louder than average conversational level at a distance of 100 feet or more, measured vertically or horizontally, from the source.

(b) Between the hours of 10:00 p.m. and 8:00 a.m., no person on any private open space shall employ any device or instrument that creates or amplifies sound, including but not limited to any loudspeaker, bullhorn, amplifier, public address system, musical instrument, radio or device that plays recorded music, to generate any sound, for the purpose of communication or entertainment, that is louder than average conversational level at a distance of 100 feet or more from the property line of the property from which the noise is being generated.

(c) The limitations imposed in this section do not apply between the hours of 8:00 A.M. and 10:00 P.M. to a person participating in: (1) a public assembly, as that term is defined in Section 10-8-334; or (2) a parade, athletic event, or outdoor special event, as defined in Sections 10-8-330, 10-8-332, or 10-8-335 of this Code; provided that a permit has been issued for the parade, athletic event or outdoor special event, if required, and the person is in compliance with the permit.

(d) The limitations imposed in this section do not apply to emergency and non-emergency signal devices as described in sections 8-32-100 and 8-32-110 of this Code, respectively.

Regulated entertainment businesses.

(a) No establishment holding a liquor license pursuant to Chapter 4-60 of this Code, or a public place of amusement license pursuant to Article III of Chapter 4-156 of this Code, shall operate or permit operation of any equipment or device that electronically amplifies sound so as to generate sound louder than average conversational level at a distance of 100 feet or more from the property line of the property from which the noise is being generated.

(b) A business subject to this section shall cooperate with reasonable requests by enforcement personnel for the purpose of investigating sound levels produced by equipment or devices that electronically amplify sound.

(c) Where a business has been found liable for two violations of this section, and has been charged with a third violation, all within a one-year period, the superintendent of police may recommend to the mayor or the commissioner of business affairs and consumer protection, and to the local liquor control commissioner, if applicable, the suspension or revocation of the liquor license, the public place of amusement license, or both licenses. Such a recommendation shall be based on an evaluation of the severity of the violations, steps taken to remedy the violations, and the likelihood of successful remediation and continued compliance with this section.