

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.

March 28, 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, March 30, 2016, at 5:30 p.m.**

### LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

#### I. Items to be Discussed:

##### A. Old Business

1. Approval of February 24, 2016 Minutes
2. Zoning Report/Nuisance Properties
3. Occupancy Permit Inspections
4. Combination of Plan Commission and Board of Appeals
5. Local Debt Recovery Program
6. Golf carts or side by side vehicles
7. Happy Hour Consideration

##### B. New Business

1. Liquor License Meeting/Letter
2. Ordinance #1577 – Amending Chapter 25, Nuisances

##### 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)(2)]

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

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Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Meehling/Blaies/Pruett/Trout)  
Wednesday, February 24, 2016 at 5:30 p.m.

VILLAGE ADMINISTRATOR  
Tony Funderburg

VILLAGE TREASURER  
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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, February 24, 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 January 27, 2016 Minutes: Trustee Matt Trout motioned to approve the January 27, 2016 minutes and Trustee Dean Pruett seconded the motion. All voting yea, the motion carried.
2. Zoning Report/Nuisance Properties: Zoning Administrator Gary Henning reported a lien has been placed on 3 Lake Drive and all appropriate parties have received notice of the lien and associated communications. St. Clair County called about a couple of nuisance properties, and we are looking into them. Trustee Trout said someone approached him about the car at the Watters property. Gary advised they are getting ready to move the car and clean up the property. Administrator Funderburg advised Gary has gone around town regarding some non-compliant signs and all have been inspected and addressed.
3. Occupancy permits inspections: Tony advised Attorney Manion is working on the intergovernmental agreement.
4. St. Clair County Update of Building and Property Maintenance Code: Gary said they have no idea when the update will happen, but they will let us know. Item can be taken off the agenda.
5. Combination of Plan Commission and Board of Appeals: Mayor Speiser and Tony met with Frank Heiligenstein to review some of his concerns regarding the combination of the Plan Commission and Board of Appeals. Tony stated we are still moving forward, but we have postponed the meeting. We have a couple of items we would like Attorney Manion to review prior to scheduling the meeting.
6. Local Debt Recovery Program: We are waiting on Attorney Manion.
7. Golf Cars or Side by Side Vehicles: Julie will talk to our insurance company to see what liability issues there might be if we allow them. Trustee Trout said at the IML Conference, they said the two things you don't want to get involved with are golf carts and chickens. He said they did not go into the specifics of why.

Legal and Ordinance Committee Meeting  
Wednesday, February 24, 2016

8. Happy Hour Consideration: Tony said when you allow happy hour, all establishments have to have all of their servers complete training. Tony asked for the board to review the examples provided. He stated everyone needs to make sure it includes everything you want addressed in it. Tony suggested everyone to get him or Julie any suggestions.

**B. NEW BUSINESS:** St. Clair County Zoning Board of Appeals is holding a hearing on Monday, March 7<sup>th</sup>, to discuss a request for a special use permit for a 3-lot subdivision on Shangrila Road. Tony advised this is in line with our comprehensive plan.

**C. GENERAL CONCERNS:** None.

**D. PUBLIC PARTICIPATION:** None.

**E. ADJOURN:** *Trustee Matt Trout motioned to adjourn at 5:43 p.m. and Trustee Dean Pruett seconded the motion. All voting yea, the motion carried.*

Julie Polson  
Office Manager

**DATE:** March 25, 2016

**TO:** Board of Appeals & Village Trustees

**FROM:** Gary Henning, Zoning Administrator

**RE:** Results of Board of Appeals--3/24/2016 Hearing:

On March 24, 2016, a public hearing was held at the Village of Freeburg at 6:00 pm to hear a request an Area Bulk Variance at 601, 603, 605 N. Edison Street, Freeburg, IL 62243 located in a MR-2 Zoning District.

The hearing involved a petition by Mark and Cindy White requesting an Area Bulk Variance pursuant to Freeburg Zoning Ordinance 40-8-2, Lot and Building requirements, Section (D) - Minimum setback from rear lot line. Petitioner requested a variance from the rear setback from 25 feet to 17 feet for lots located at 601, 603, 605 N. Edison Street, Freeburg IL 62243.

After a presentation by Mr. White and a discussion by the Board of Appeals, a motion was made to grant the petition. The motion passed with a 6-0 vote granting the Area Bulk Variance. Those voting yes included Ken Bald, Michael Heap, John Dittman, Tom Kreher, Robert Koerber, and Tom Reaka.

CC: Seth Speiser, Mayor of Freeburg  
Tony Funderburg, Village Administrator

## Julie Polson

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**From:** Jessica Govic <Jessica\_Govic@ajg.com>  
**Sent:** Tuesday, March 01, 2016 8:50 AM  
**To:** Julie Polson  
**Cc:** Gates Blodgett; Katie Navin  
**Subject:** RE: Golf carts  
**Attachments:** Illinois Golf Carts.docx

Julie, I received the following response from BRIT Insurance:

*A little about golf carts...We are occasionally asked "do we want to insure golf carts for use primarily on streets or roads?" The short answer is no...we do not recommend our insured operate non-highway vehicles on streets, roads and highways except at specifically designated and properly signed crossings (such as a golf course with road crossings). This comes up about use of golf carts or gators for grounds or facility maintenance. Typically would fall under general liability & equipment coverage. Definitely not eligible under auto liability and auto physical damage.*

*The second question appears to be "Can the Village authorize citizen operation of non-highway vehicles on roadways?" The answer appears to be yes, however, with very specific governing statutes cited in Illinois code (Illinois Compiled Statutes 625 ILCS 5 Illinois Vehicle Code. Section 1-123 et.al)... "A municipality, township, county or other unit of local government may authorize, by ordinance or resolutions, the operation of non-highway vehicles on roadways under its jurisdiction if the unit of local government determines that the public safety will not be jeopardized..." It goes on to say that the vehicles must be "street legal" citing minimum equipment standards that includes headlights, rear-view mirror, etc. (see attached).*

*Safety concerns are on the rise as golf carts are used in the streets. These concerns should be carefully considered with advice from Village legal counsel prior to implementing any ordinance allowing golf cart use beyond golf courses. That said, I do not see a material change in liability exposure to the Village arising out of having such an ordinance in place. I would NOT, however, recommend the Village take on the responsibility of vehicle inspections since that could potentially create additional liability for the Village. I strongly suggest they transfer that requirement to a third party if they decide to move forward.*

Please let me know how the Village would like to move forward. Thanks Julie!

Jessica



**Jessica E. Govic, CLCS**

Area Senior Vice President - Public Sector

**Arthur J. Gallagher Risk Management Services, Inc.**

Two Pierce Place, 22nd Floor | Itasca, IL 60143

Phone: 630.285.4323 | Fax: 630.285.4062

[jessica\\_govic@ajg.com](mailto:jessica_govic@ajg.com)



**Illinois** - Golf cart. A vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course.

35 Operation of non-highway vehicles on streets, roads, and highways. (a) As used in this Section 36, "non-highway vehicle" means a motor vehicle not specifically designed to be used on a public highway, including: . . . (2) a golf cart, as defined by Section 1-123.9; . . . .

(b) Except as otherwise provided in this Section, it is unlawful for any person to drive or operate a non-highway vehicle upon any street, highway, or roadway in this State. If the operation of a non-highway vehicle is authorized under subsection (d), the non-highway vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This subsection (b) does not prohibit a non-highway vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour. (b-5) A person may not operate a non-highway vehicle upon any street, highway, or roadway in this State unless he or she has a valid driver's license issued in his or her name by the Secretary of State or by a foreign jurisdiction.

(c) Except as otherwise provided in subsection (c-5), no person operating a non-highway vehicle shall make a direct crossing upon or across any highway under the jurisdiction of the State, toll road, interstate highway, or controlled access highway in this State. (c-5) A person may make a direct crossing at an intersection controlled by a traffic light or 4-way stop sign upon or across a highway under the jurisdiction of the State if the speed limit on the highway is 35 miles per hour or less at the place of crossing.

(d) A municipality, township, county, or other unit of local government may authorize, by ordinance or resolution, the operation of non-highway vehicles on roadways under its jurisdiction if the unit of local government determines that the public safety will not be jeopardized. The Department may authorize the operation of non-highway vehicles on the roadways under its jurisdiction if the Department determines that the public safety will not be jeopardized. The unit of local government or the Department may restrict the types of non-highway vehicles that are authorized to be used on its streets. Before permitting the operation of non-highway vehicles on its roadways, a municipality, township, county, other unit of local government, or the Department must consider the volume, speed, and character of traffic on the roadway and determine whether non-highway vehicles may safely travel on or cross the roadway. Upon determining that non-highway vehicles may safely operate on a roadway and the adoption of an ordinance or resolution by a municipality, township, county, or other unit of local government, or authorization by the Department, appropriate signs shall be 35 (625 ILCS 5/1-123.9) Sec. 1-123.9.

36 Illinois Compiled Statutes 625 ILCS 5 Illinois Vehicle Code. Section 11-1426.1 (625 ILCS 5/11-1426.1) Last modified: February 20, 2012

posted. If a roadway is under the jurisdiction of more than one unit of government, non-highway vehicles may not be operated on the roadway unless each unit of government agrees and takes action as provided in this subsection.

(e) No non-highway vehicle may be operated on a roadway unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of this Code) on the rear of the non-highway vehicle, a headlight that emits a white light visible from a distance of 500

# DRAFT sample letter from Mayor on letterhead

April 00, 2016

Name  
Business Name  
Street Address  
City, State, Zip

## MANDATORY MEETING FOR LIQUOR LICENSEES

Dear Licensee:

Holding a liquor license is a privilege. It is also a responsibility. Our entire community is dependent upon you and your staff to keep drunk drivers off roads and minors from purchasing alcohol. Because of the important role you play in keeping all our residents safe, I am requesting your presence along with a maximum of one guest (preferably a fellow owner and/or manager) at the following mandatory meeting:

- ✓ **TENTATIVE DATE: Wed, May 25, 10am-3pm at Wildey Theatre in Edwardsville**  
*252 North Main Street, Edwardsville, Illinois 62025*

During the mandatory meeting, which will last no longer than 1½ hours, critical liquor- and tobacco-related information will be shared by our meeting co-hosts, the Illinois Liquor Control Commission (ILCC). Pertinent local ordinance information affecting your liquor license will also be relayed. If you are unable to send a representative to this meeting, please contact [ LOCAL STAFFER NAME/PHONE HERE ] to schedule a meeting for sharing of the above information.

### Optional **FREE** responsible beverage service (BASSET) class!

Immediately following the mandatory meeting, you are invited to stay and attend a **FREE** Beverage Alcohol Seller/Server Education & Training (BASSET) class. **A state training law was passed last year REQUIRING all on-premise servers and ID checkers to be BASSET-certified every three years.**

Typical BASSET classes can cost as much as \$50.00 or more, so don't miss out on this **FREE** training opportunity! Attendees will learn how to detect a fake ID, when to refuse service to an intoxicated patron, how to avoid frivolous lawsuits, and more. In addition to teaching the free class (which will wrap up by 3pm), a select number of Illinois-licensed BASSET instructors will present their programs, providing a number of choices for training your staff prior to the law's effective date.

To register, visit [www.illinoisliquor.eventbrite.com](http://www.illinoisliquor.eventbrite.com) on the web and choose the **Metro West Mandatory Meeting** link at least one day prior to the meeting date. If you do not have web access, please contact [ LOCAL STAFFER NAME/PHONE HERE ] or ILCC Education Manager Ted Penesis at 312-814-4802 with your business name/address and contact information. Thank you for doing your part to encourage responsible alcohol service in our community and keeping drunk drivers off the roads.

Sincerely,

**John Doe, Mayor/Liquor Commissioner**  
Village of Anytown

# DRAFT sample letter from Mayor on letterhead

April 00, 2016

Name  
Business Name  
Street Address  
City, State, Zip

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Sincerely,

**John Doe, Mayor/Liquor Commissioner**  
Village of Anytown

**ORDINANCE NO. 1577**

AN ORDINANCE AMENDING CHAPTER 25 OF THE REVISED  
CODE OF THE VILLAGE OF FREEBURG, ST. CLAIR  
COUNTY, ILLINOIS (Nuisances)

BE IT ORDAINED BY THE VILLAGE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF  
THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, THAT:

CHAPTER 25, Section 25-1-1, SPECIFIC NUISANCES ENUMERATED, is amended to read as  
follows:

Section 25-1-1(Z) Generally: Replace (See 740 ILCS 55/221-55/222) with (See 720 ILCS  
5/47-5).

The ordinance becomes effective after its passage and publication as prescribed by law.

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG, ILLINOIS, ST. CLAIR COUNTY,  
AND APPROVED BY THE VILLAGE PRESIDENT THIS \_\_\_ DAY OF April, 2016.

AYES _____	NAYS _____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

Approved this \_\_\_\_ day of April, 2016.

\_\_\_\_\_  
Seth E. Speiser  
Village President

ATTEST:

Approval as to Legal Form:

\_\_\_\_\_  
Jerry Lynn Menard  
Village Clerk

\_\_\_\_\_  
Village Attorney

**Information maintained by the Legislative Reference Bureau**

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law.

For information concerning the relationship between statutes and Public Acts, refer to the Guide.

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

**CRIMINAL OFFENSES  
(720 ILCS 5/) Criminal Code of 2012.**

(720 ILCS 5/Art. 47 heading)

**ARTICLE 47. NUISANCE**

(720 ILCS 5/47-5)

Sec. 47-5. Public nuisance. It is a public nuisance:

(1) To cause or allow the carcass of an animal or offal, filth, or a noisome substance to be collected, deposited, or to remain in any place to the prejudice of others.

(2) To throw or deposit offal or other offensive matter or the carcass of a dead animal in a water course, lake, pond, spring, well, or common sewer, street, or public highway.

(3) To corrupt or render unwholesome or impure the water of a spring, river, stream, pond, or lake to the injury or prejudice of others.

(4) To obstruct or impede, without legal authority, the passage of a navigable river or waters.

(5) To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

(6) To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials for those substances, in a building within 20 rods of a valuable building erected at the time the business is commenced.

(7) To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within 50 rods of an occupied dwelling house.

(8) To erect, continue, or use a building or other place for the exercise of a trade, employment, or manufacture that, by occasioning noxious exhalations, offensive smells, or otherwise, is offensive or dangerous to the health of individuals or of the public.

(9) To advertise wares or occupation by painting notices of the wares or occupation on or affixing them to fences or other private property, or on rocks or other natural objects, without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

(10) To permit a well drilled for oil, gas, salt water disposal, or any other purpose in connection with the production of oil and gas to remain unplugged after the well is no longer used for the purpose for which it was drilled.

(11) To construct or operate a salt water pit or oil field refuse pit, commonly called a "burn out pit", so that salt water, brine, or oil field refuse or other waste liquids may escape from the pit in a manner except by the evaporation of the salt water or brine or by the burning of the oil field waste or refuse.

(12) To permit concrete bases, discarded machinery, and materials to remain around an oil or gas well, or to fail to fill holes, cellars, slush pits, and other excavations made in connection with the well or to restore the surface of the lands surrounding the well to its condition before the drilling of the well, upon abandonment of the oil or gas well.

(13) To permit salt water, oil, gas, or other wastes from a well drilled for oil, gas, or exploratory purposes to escape to the surface, or into a mine or coal seam, or into an underground fresh water supply, or from one underground stratum to another.

(14) To harass, intimidate, or threaten a person who is about to sell or lease or has sold or leased a residence or other real property or is about to buy or lease or has bought or leased a residence or other real property, when the harassment, intimidation, or threat relates to a person's attempt to sell, buy, or lease a residence, or other real property, or refers to a person's sale, purchase, or lease of a residence or other real property.

(15) To store, dump, or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans, or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public.

(16) To create a condition, through the improper maintenance of a swimming pool or wading pool, or by causing an action that alters the condition of a natural body of water, so that it harbors mosquitoes, flies, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public.

(17) To operate a tanning facility without a valid permit under the Tanning Facility Permit Act.

Nothing in this Section shall be construed to prevent the corporate authorities of a city, village, or incorporated town, or the county board of a county, from declaring what are nuisances and abating them within their limits. Counties have that authority only outside the corporate limits of a city, village, or incorporated town.

(Source: P.A. 89-234, eff. 1-1-96.)

(720 ILCS 5/47-10)

Sec. 47-10. Dumping garbage. It is unlawful for a person to dump or place garbage or another offensive substance within the corporate limits of a city, village, or incorporated town other than (1) the city, village, or incorporated town within the corporate limits of which the garbage or other offensive substance originated or (2) a city, village, or incorporated town that has contracted with the city, village, or incorporated town within which the garbage originated, for the joint collection and disposal of garbage; nor shall the garbage or other offensive substance be dumped or placed within a distance of one mile of the corporate limits of any other city, village, or incorporated town.

A person violating this Section is guilty of a petty offense.

(Source: P.A. 89-234, eff. 1-1-96.)

(720 ILCS 5/47-15)

Sec. 47-15. Dumping garbage upon real property.

(a) It is unlawful for a person to dump, deposit, or place garbage, rubbish, trash, or refuse upon real property not owned by that person without the consent of the owner or person in possession of the real property.

(b) A person who violates this Section is liable to the owner or person in possession of the real property on which the garbage, rubbish, trash, or refuse is dumped, deposited, or placed for the reasonable costs incurred by the owner or person in possession for cleaning up and properly disposing of the garbage, rubbish, trash, or refuse, and for reasonable attorneys' fees.

(c) A person violating this Section is guilty of a Class B misdemeanor for which the court must impose a minimum fine of \$500. A second conviction for an offense committed after the first conviction is a Class A misdemeanor for which the court must impose a minimum fine of \$500. A third or subsequent violation, committed after a second conviction, is a Class 4 felony for which the court must impose a minimum fine of \$500. A person who violates this Section and who has an equity interest in a motor vehicle used in violation of this Section is presumed to have the financial resources to pay the minimum fine not exceeding his or her equity interest in the vehicle. Personal property used by a person in violation of this Section shall on the third or subsequent conviction of the person be forfeited to the county where the violation occurred and disposed of at a public sale. Before the forfeiture, the court shall conduct a hearing to determine whether property is subject to forfeiture under this Section. At the forfeiture hearing the State has the burden of establishing by a preponderance of the evidence that property is subject to forfeiture under this Section.

(d) The statutory minimum fine required by subsection (c) is not subject to reduction or suspension unless the defendant is indigent. If the defendant files a motion with the court asserting his or her inability to pay the mandatory fine required by this Section, the court must set a hearing on the motion before sentencing. The court must require an affidavit signed by the defendant containing sufficient information to ascertain the assets and liabilities of the defendant. If the court determines that the defendant is indigent, the court must require that the defendant choose either to pay the minimum fine of \$500 or to perform 100 hours of community service.

(Source: P.A. 90-655, eff. 7-30-98; 91-409, eff. 1-1-00.)

(720 ILCS 5/47-20)

Sec. 47-20. Unplugged well. It is a Class A misdemeanor for a person to permit a water well, located on property owned by him or her, to be in an unplugged condition at any time after the abandonment of the well for obtaining water. No well is in an unplugged condition, however, that is plugged in conformity with the rules and regulations of the Department of Natural Resources issued under Section 6 and Section 19 of the Illinois Oil and Gas Act. This Section does not apply to a

well drilled or used for observation or any other purpose in connection with the development or operation of a gas storage project.

(Source: P.A. 89-234, eff. 1-1-96; 89-445, eff. 2-7-96.)

(720 ILCS 5/47-25)

Sec. 47-25. Penalties. Whoever causes, erects, or continues a nuisance described in this Article, for the first offense, is guilty of a petty offense and shall be fined not exceeding \$100, and for a subsequent offense is guilty of a Class B misdemeanor. Every nuisance described in this Article, when a conviction for that nuisance is had, may, by order of the court before which the conviction is had, be abated by the sheriff or other proper officer, at the expense of the defendant. It is not a defense to a proceeding under this Section that the nuisance is erected or continued by virtue or permission of a law of this State.

(Source: P.A. 89-234, eff. 1-1-96.)