

VILLAGE PRESIDENT  
Ray Danford

VILLAGE CLERK  
Jerry Menard

VILLAGE TRUSTEES  
Corby Valentine  
Steve Smith  
Tony Miller  
Rita Baker  
Seth Speiser  
Charlie Mattern

# VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER  
14 SOUTHGATE CENTER, FREEBURG, IL 62243  
PHONE: (618) 539-5545 • FAX: (618) 539-5590  
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR  
Dennis Herzing

VILLAGE TREASURER  
Bryan A. Vogel

PUBLIC WORKS DIRECTOR  
Ronald Dintelmann

POLICE CHIEF  
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY  
Stephen R. Wigginton

November 1, 2010

## NOTICE

### MEETING OF LEGAL AND ORDINANCE COMMITTEES (Annexation; Building; Zoning; Subdivision) Speiser/Baker/Mattern

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, November 3, 2010, at 4:30 p.m.**

### LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

#### I. Items to be Discussed:

- A. Old Business
  - 1. Approval of October 13, 2010 Minutes
  - 2. Status of Public Hazard Homes
  - 3. New class of business license
  - 4. Unionization
  - 5. Material Requirements on Commercial Buildings
  - 6. Update Code Book
- B. New Business
  - 1. Ordinance Violation
  - 2. Nuisance Abatement Ordinance
- C. General Concerns
- D. Public Participation
- E. Adjourn

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



VILLAGE PRESIDENT  
Ray Danford

VILLAGE CLERK  
Jerry Menard

VILLAGE TRUSTEES  
Corby Valentine  
Steve Smith  
Tony Miller  
Rita Baker  
Seth Speiser  
Charlie Mattern

# VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER  
14 SOUTHGATE CENTER, FREEBURG, IL 62243  
PHONE: (618) 539-5545 • FAX: (618) 539-5590  
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR  
Dennis Herzing

VILLAGE TREASURER  
Bryan A. Vogel

PUBLIC WORKS DIRECTOR  
Ronald Dintelmann

POLICE CHIEF  
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY  
Stephen R. Wigginton

Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Speiser/Baker/Mattern)  
Wednesday, November 3, 2010 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:30 p.m. by Chairman Seth Speiser on Wednesday, November 3, 2010, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern and Village Administrator Dennis Herzing. Guest present: Janet Baechle.

## A. OLD BUSINESS:

1. Approval of October 13, 2010 Minutes: There were no minutes to approve (not included in packet).
2. Status of Public Hazard Homes: Dennis said Sheets is repairing the well at the old Compton house. Seth said there are about 150 tires behind Shaffers and asked Dennis if we have anything that says they need to get them cleaned up. Dennis will talk to Phil about it.
3. New class of business license: Dennis said the ordinance states a business must register with the Village. If they don't, we will treat it as an ordinance violation and they can be fined up to \$750.
4. Unionization: Dennis said we met with the attorney yesterday and said it was a productive meeting. This will be discussed at Monday's Committee as a Whole meeting.
5. Material Requirements on Commercial Buildings: Charlie suggested going back to previous discussions where it was proposed to have material requirements on commercial buildings just along the highway. Charlie thinks it should apply to the Village limits (from Jefferson Road to the Industrial Park). The committee requested a copy of the most recent version in next month's packet and it will be discussed again.
6. Update Code Book: Dennis said we don't really know upfront what the total cost would be. The last update cost about \$1500. Dennis agreed that it is time to get something done. Dennis said Frank is proposing this time to go through the entire code and give his recommendations, not just a supplement. Seth asked for something not to exceed a certain amount and Dennis agreed that we need an estimate on the upper limit. Dennis will have to try to put money in next year's budget for this.

## B. NEW BUSINESS:

1. Ordinance Violation: It was put in the packet for informational purposes.

Legal and Ordinance Committee Meeting  
Wednesday, November 3, 2010  
Page 1 of 2



2. Nuisance Abatement Ordinance: Dennis said Phil has gradually been starting to enforce more of it. He said this ordinance requires an occupancy permit when somebody moves in and moves out. Dennis, Phil and Ray talked about a way to enforce it by giving them a form to fill out at the time they sign up for utilities and pay the \$15 fee. Since Phil does not have a lot of time, we thought we could leave the inspections up to Phil's discretion. Phil would be inspecting for the nuisance ordinance, i.e. gutters falling off, tall grass. It is different than a building permit inspection which is done by the County. Charlie said if we do it, we should generate a checklist of items that need to be checked which would be given back to the resident and landlord. Dennis said this applies to buildings older than 5 years old. Our other option would be to change the ordinance and not do the occupancy inspection. Dennis said he and Phil will come up with a checklist. Charlie said the item can be as general as unsafe exterior condition.

**C. GENERAL CONCERNS:** None.

**D. PUBLIC PARTICIPATION:** Janet said she is concerned about the wording in Frank's proposal. She also commented about certain requirements in the occupancy permit.

**E. ADJOURN:** *Trustee Rita Baker motioned to adjourn the meeting at 5:02 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson  
Office Manager



VILLAGE PRESIDENT  
Ray Danford

VILLAGE CLERK  
Jerry Menard

VILLAGE TRUSTEES  
Corby Valentine  
Steve Smith  
Tony Miller  
Rita Baker  
Seth Speiser  
Charlie Mattern

# VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER  
14 SOUTHGATE CENTER, FREEBURG, IL 62243  
PHONE: (618) 539-5545 • FAX: (618) 539-5590  
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR  
Dennis Herzing

VILLAGE TREASURER  
Bryan A. Vogel

PUBLIC WORKS DIRECTOR  
Ronald Dintelmann

POLICE CHIEF  
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY  
Stephen R. Wigginton

Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Speiser/Baker/Mattern)  
Wednesday, October 13, 2010 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:34 p.m. by Chairman Seth Speiser on Wednesday, October 13, 2010, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern and Village Administrator Dennis Herzing. Guests present: Dale Klohr and Frank Heiligenstein.

## A. OLD BUSINESS:

1. Approval of September 1, 2010 Minutes: Trustee Rita Baker motioned to approve the September 1, 2010 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

Chairman Seth Speiser asked to hear the guests present at the committee meeting. Frank addressed the committee regarding the updates that our code needs. He had a two-page listing of areas that are outdated and need updating. The following is a brief listing of items he mentioned: the amount of our penalty needs to be increased; vacancy provisions in appointed positions; bond amounts are not correct; investment policy is incomplete; contradictions in zoning code referenced in the administrative section; returned check fee should be increased; subdivision guarantee needs to be reviewed; signage in zoning needs to be addressed; wants to add a B3 district. Frank also said he would like to see something done about a property maintenance code. He continued by saying we have a lot of violations going on in Freeburg that need to be addressed. He will get a proposal for us to consider the recodification of our code.

2. Status of Public Hazard Homes: Julie advised the committee that Mary Kinzinger sent Phil a letter stating the home at 502 N. Main Street will be demolished by the end of the year.

3. New class of business license: Dennis and Julie will review the ordinance to see what language is in there with respect to business registrations not received on a timely basis and whether we can charge a penalty fee. Dennis did say we could issue them a citation for an ordinance violation.

4. Unionization:

## EXECUTIVE SESSION 5:12 P.M.

Trustee Rita Baker motioned to enter into Executive Session at 5:12 p.m. citing collective negotiating matters, 5 ILCS, 120/2-(c)(2) and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

Legal and Ordinance Committee Meeting  
Wednesday, October 13, 2010  
Page 1 of 2



**EXECUTIVE SESSION ENDED**

**5:25 P.M.**

*Trustee Rita Baker reconvened the regular session of the Legal/Ordinance Committee meeting at 5:26 p.m.*

5. Material Requirements on Commercial Buildings: Dale Klohr was present to give his opinion about the proposed material requirements on commercial buildings. He believes we are being too restrictive. With the proposed ordinance, we will only allow masonry, glass or stone fronts and he thinks there are other materials that would be suitable if used correctly. He looked at the buildings in the Industrial Park and was very impressed with them. He thinks if we are too restrictive, prospective businesses will look elsewhere when looking at where to locate. He mentioned the Gateway Connector and thinks it will be at least 20 years before that project gets underway. He thinks that area could possible develop into one like the huge industrial park around Glen Carbon on I-255 North. If it does, he thinks we may restrict ourselves out of industrial buildings. Dale also questioned if an existing business needed to remodel, would you hold them to the new code? Trustee Mattern said we need to review the ordinance and the committee agreed.

**B. NEW BUSINESS:**

1. Ordinance Violation: Julie advised this was put in the packet for informational purposes.

**C. GENERAL CONCERNS:** None.

**D. PUBLIC PARTICIPATION:** None.

**E. ADJOURN:** *Trustee Rita Baker motioned to adjourn the meeting at 5:27 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson  
Office Manager



**ORDINANCE NO. 1355**

AN ORDINANCE AMENDING THE REVISED CODE OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS (Nuisance Abatement)

WHEREAS the President and Board of Trustees of the Village of Freeburg, County of St. Clair, State of Illinois, have determined that it is in the best interest of the Village to effect changes to its existing code with respect to Nuisance Abatement Regulations;

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

Title XV, Land Usage, Chapter 151, Dangerous Buildings; Buildings as a Nuisance, shall be deleted in its entirety and replaced with the following:

**CHAPTER 151: NUISANCE ABATEMENT**

Section

*General Provisions*

- 151.001 Establishment
- 151.002 Code Enforcement Officer

*Unsafe Structures and Equipment*

- 151.015 Condemnation of structures
- 151.016 Definitions

*Unfit or Unlawful Structures*

- 151.030 Structures unfit for occupancy
- 151.031 Definitions
- 151.032 Vacant structures

### *Maintenance of Exteriors*

- 151.045 Applicability
- 151.046 Maintenance by owner
- 151.047 Vacant structure conditions
- 151.048 Exterior premises
- 151.049 Garbage storage containers
- 151.050 Stagnant water
- 151.051 Loading and delivery areas
- 151.052 Responsibility for extermination of pests
- 151.053 Responsibility for exterior areas
- 151.054 Weeds and lawns
- 151.055 Storage yards and areas
- 151.056 Discharges to adjacent property
- 151.057 Accessory structures
- 151.058 Exterior of structures
- 151.059 Sanitary conditions

### *Notices; Posting Requirements*

- 151.070 Notice of violation
- 151.071 Service of notice
- 151.072 Condemnation order; vacation of premises
- 151.073 Non-compliance
- 151.074 Issuance of condemnation notice
- 151.075 Continued use of structure
- 151.076 Lifting condemnation notice
- 151.077 Emergency actions

### *Junk Vehicles*

- 151.090 Definition
- 151.091 Declaration of nuisance
- 151.092 Issuance of citation; exceptions
- 151.093 Multiple vehicles for sale
- 151.094 Unlawful sale without license
- 151.095 Enclosure of motor vehicles
- 151.096 Dismantling prohibited
- 151.097 Unlawful parking
- 151.098 Commercial vehicles in residential district
- 151.099 Recreational vehicles
- 151.100 Applicability

### *Violations, Penalties and Remedies*

151.115	Code violations
151.116	Non-compliance with order
151.117	Action by Board of Trustees
151.118	Time constraints
151.119	Commencement of court proceedings
151.120	Sale of structure and materials

### *Certificate of Occupancy*

151.135	Occupancy permit required
151.136	Application
151.137	Action on application
151.138	Issuance of permit
151.139	Conditional permit
151.140	Rejection of application
151.141	Suspension of permit
151.142	Revocation of permit
151.999	Penalty

### **GENERAL PROVISIONS**

**§ 151.001 ESTABLISHMENT.** This code establishes the minimum requirements for the initial and continued occupancy and use of all structures and premises, but does not replace or modify requirements otherwise established by prior codes, ordinances, the Housing Code and Building code, which may be additional or more stringent than the requirements set forth herein for the construction, repair, alteration or use of structures, equipment or facilities.

**§ 151.002 CODE ENFORCEMENT OFFICER.**

- A. It shall be the duty and responsibility of the appointed Building and Zoning/Code Enforcement Administrator, hereinafter referred to as "Administrator," to enforce the provisions of the Nuisance Abatement Code as provided for herein.

- B. The Administrator shall have the following powers and duties under this code:
1. To enforce all the provisions of the Nuisance Abatement Code;
  2. To issue all necessary notices and orders to abate illegal or unsafe conditions in order to ensure compliance with the Nuisance Abatement Code for the safety, health and general welfare of the public;
  3. To enter any non-residential or residential structure at any reasonable time for the purpose of making inspections and performing duties as provided for under the Nuisance Abatement Code;
  4. To seek from a court of competent jurisdiction an order against an owner, occupant or other person in charge of a premises to cease and desist in refusing, impeding, inhibiting or obstructing the free access by the Administrator to any part of a structure wherein inspection is sought;
- C. Every occupant of a non-residential structure or a premises shall give the owner, his or her agent or employee access to any part of the structure or its premises at reasonable times for the purpose of making inspections and such repairs as are necessary to comply with the provisions of this code
- D. The Administrator or his or her authorized representative shall disclose proper credentials of his or her respective office for the purpose of entering into any structure for the purpose of inspecting any and all building and premises in the performance of his or her duties pursuant to this code.
- E. Inspection of all premises, the issuance of notices and orders resulting from inspections and the enforcement of this code shall be the responsibility of the Administrator. However, if, in the opinion of the Administrator initiating an inspection under this code, he or she deems it necessary or desirable to have inspections by other departments of the village, the Administrator shall make reasonable effort to arrange for the coordination of additional inspections so as to minimize the number of visits by inspectors. The Administrator shall confer with the other departments conducting inspections for the purpose of eliminating conflicting orders or citations before any are issued. No department conducting inspections shall delay the issuance of any emergency orders which it determines must be issued for the purpose of conducting such a conference with other departments.

## *UNSAFE STRUCTURES AND EQUIPMENT*

### **§ 151.015 CONDEMNATION OF STRUCTURES.**

- A. When any structure or part thereof is determined by the Administrator to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found to be unlawful, it may be condemned pursuant to the provisions of this code and shall be posted with appropriate notice and vacated.
- B. It shall not be reoccupied without approval of the Administrator. Unsafe equipment located within a structure shall also be posted with appropriate notice and placed out of service upon posting.

**§ 151.016 DEFINITIONS.** For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***EQUIPMENT.*** Equipment includes any boiler, heating unit, elevator, moving stairway, electrical wiring or device, air conditioning system, flammable liquid container or other type of equipment located within a structure or premises. Such equipment is unsafe when it is in such disrepair or condition that it is determined by the Administrator to be a hazard to life, health, property or safety of the public or the occupants of the structure or premises wherein the equipment is situated. *Unsafe equipment* may contribute to or be the cause of a finding that the structure wherein it is situated is unsafe or unfit for human occupancy or use.

***UNSAFE STRUCTURE.*** One in which all or part thereof is determined by the Administrator to be dangerous to life, health, property or the safety of the public, which includes its occupants, because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it may partially or completely collapse.

## *UNFIT OR UNLAWFUL STRUCTURES*

**§ 151.030 STRUCTURES UNFIT FOR OCCUPANCY.** A structure is unfit for human occupancy or use whenever the Administrator finds that it is unsafe, unlawful or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rat infested, contains filth and contamination or lacks proper ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code or any other code or ordinance. Furthermore, a structure may be unfit for human occupancy if its location constitutes a hazard to its occupants or to the public.

**§ 151.031 DEFINITION.** For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

## ***UNLAWFUL STRUCTURE.***

1. One found in whole or in part to be occupied by more persons than is permitted by the village code.
2. One determined to have been erected, altered or occupied contrary to the village code.

**§ 151.032 VACANT STRUCTURES.** If any structure or part thereof is vacant and unfit for human habitation, occupancy or use, but is not in danger of structural collapse, the Administrator shall post a placard of condemnation on the premises and shall order the structure closed up so it will not be an attractive nuisance to the public. Upon failure of the owner to close up the premises within the time specified in the order, the Administrator shall cause the structure to be closed through any available public agency or by contract or arrangement with private persons or contractors. The cost for closing up the structure shall be charged against the real estate upon which the structure is located and shall constitute a lien on such real estate.

## ***MAINTENANCE OF EXTERIORS***

**§ 151.045 APPLICABILITY.** The provisions of this subchapter shall govern the minimum conditions for maintenance of the exterior of property, premises and structures. Premises shall comply with the conditions herein prescribed insofar as they are applicable.

**§ 151.046 MAINTENANCE BY OWNER.** The owner of the premises or structure shall maintain the property in compliance with the requirements set forth herein. A person shall not occupy, as owner/occupant, or lease to another for occupancy or use, premises or structures which do not comply with the requirements of this code.

**§ 151.047 VACANT STRUCTURE CONDITIONS.** All vacant structures and vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause blight or to adversely affect the public health and safety. Penalty, see § 151.999

## **§ 151.048 EXTERIOR PREMISES.**

- A. All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition, free from any accumulation of rubbish or garbage.
- B. Storage of material must, at all times, be enclosed or screened from adjoining property and from public view so as not to be visible from adjoining property or from a public street. Penalty, see § 151.999

### ***Cross Reference:***

*Weeds, see 94.20 et seq.*

**§ 151.049 GARBAGE STORAGE CONTAINERS.** The owner, manager or operator of every establishment producing garbage, vegetable wastes or other putrescible materials shall provide, and at all times, cause to be used, leak-proof containers having close-fitting covers for storage of the materials until such time as they are removed from the premises for disposal. The storage containers shall be located behind or to the sides of a building. All storage containers which are greater than one cubic yard in size located in commercial areas shall be screened from residential areas and residential streets so they are not visible. All storage containers which are greater than four yards cubic in size located in residential areas shall be screened from view so as not to be visible from open areas.

**§ 151.050 STAGNANT WATER.** All premises shall be graded and maintained in such a manner so as to prevent the accumulation of stagnant water thereon. Penalty, see § 151.999

**§ 151.051 LOADING AND DELIVERY AREAS.** All loading and delivery areas, automobile service stations and drive-in food establishments shall be paved with bituminous, concrete or equivalent surfacing in accordance with **§ 155.250** and shall be free from dirt and other litter. The paved areas of the establishments shall be kept in good repair. Exterior lighting of commercial establishments shall be installed in such a manner so as to avoid illumination of residential areas as much as possible. Penalty, see § 151.999

**§ 151.052 RESPONSIBILITY FOR EXTERMINATION OF PESTS.** An owner or manager of a structure or of property shall be responsible for extermination of insects, rats, vermin or other pests in all exterior areas of the premises, except that the occupant of a single-family dwelling shall be responsible for the extermination in the exterior areas of the premises. Whenever infestation exists in the shared or public parts of a premises or structure which is not a single-family dwelling, extermination shall be the responsibility of the owner, manager or operator of the premises or structure. Penalty, see § 151.999

**§ 151.053 RESPONSIBILITY FOR EXTERIOR AREAS.** All sidewalks, steps, driveways, parking spaces and similar paved areas privately owned, but used by the public, shall be free from mud and other debris. If any sidewalk or driveway, or portion thereof, by virtue of its state of disrepair shall constitute a danger to public health and safety, the sidewalk or driveway, or portion thereof, shall be repaired or replaced. Penalty, see § 151.999

**§ 151.054 WEEDS AND LAWNS.** All areas shall be kept free from weeds or wild plant growth. Lawns shall not exceed eight inches in height. Penalty, see § 151.999

***Cross-reference:***

*Weeds, see 94.20 et seq.*

## § 151.055 STORAGE YARDS AND AREAS.

- A. *Enclosure of storage yards.* All open storage yards and areas shall be completely obscured from view by surrounding property by a solid fence (such as wood or slatted chain link) not less than six feet in height. This section shall not apply to areas where licensed, registered motor vehicles that are in good, safe and operable condition are operated on a regular basis. In those areas, a fence of not less than six feet in height is required.
- B. *Nuisance.* Unsheltered storage of old, unused, stripped, junked and other motor vehicles not in good, safe and operable condition, and of any other vehicles, machinery, implement and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, which hereinafter are collectively described as "the personalty," for a period of 30 days or more, except in licensed junk yards, within the corporate limits of the village, is hereby declared to be a nuisance and dangerous to the public safety.
- C. *Abatement of nuisance by owners.* The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of the village upon which the storage is made, and also the owner, owners and/or lessees of the personalty involved in the storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally abate the nuisance by the prompt removal of the personalty into completely enclosed buildings authorized to be used for the storage purposes, if within the corporate limits of the village, or otherwise to remove it to a location outside the corporate limits.
- D. *Penalty for failure of owner to abate the nuisance.* If the owners allow the nuisance to exist or fail to abate the nuisance, the, and each of them, upon conviction thereof, shall be fined not less than \$50, nor more than \$500, for each offense and a separate offense shall be deemed committed on each day during or on which the nuisance is permitted to exist.
- E. *Abatement by village.*
1. Whenever the owners fail to abate the nuisance, then the village shall remove the personalty to a location of its selection, the expenses therefore to be billed to the owners, jointly and severally, the bill to be recoverable in a suit at law.
  2. When the personalty has been removed and placed in storage by the village, as provided for herein, the personalty shall be sold by the village after the lapse of time as is provided by law. If the proceeds of the sale are insufficient to pay the costs of abatement, the owners shall be liable to the village for the balance of the costs, jointly and severally to be recoverable in a suit at law. If the proceeds are in excess of costs, the balance shall be paid to the owners or deposited in the Village Treasury for their use. Penalty, see § 151.999

**§ 151.056 DISCHARGES TO ADJACENT PROPERTY.** No person shall construct, maintain or operate pipes, ducts, conductors, fans or blowers in a manner so as to discharge gases, steam vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property belonging to another. Penalty, see § 151.999

**§ 151.057 ACCESSORY STRUCTURES.** All accessory structures, including detached garages, fences and walls shall be maintained structurally sound and in compliance with the requirements for exterior structures set forth herein. Penalty, see § 151.999

**§ 151.058 EXTERIOR OF STRUCTURES.** The exterior of a structure or building shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants or other members of the public and shall be maintained so as to protect the occupants from the elements

- A. *Structural members.* All supporting structural members of all structures and building shall be kept structurally sound, free of deterioration and maintained so as to be capable of safely bearing the dead and live loads located within the buildings and structures.
- B. *Maintenance of foundations.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair.
- C. *Foundation walls.* All foundation walls shall be maintained so as to carry the safe design and support the operating dead and live loads of the building or structure. The foundations shall be maintained plumb and free from open cracks and breaks and be kept in a state of repair so as not to be detrimental to individual safety and welfare of citizens.
- D. *Exterior walls.* All exterior walls shall be free of holes, breaks, cracks, loose or rotting boards or timbers and shall be free of any other conditions of disrepair which might admit rain, dampness or wind to the interior portions of the walls or to the occupied spaces within a building. All exterior surface materials, including wood, composition or metal siding shall be maintained weatherproof and shall be properly surface coated where necessary in order to prevent deterioration.
- E. *Roofs and roof drainage.* Roofs of all buildings and other structures shall be structurally sound and shall not have defects which might admit moisture. Roof drainage shall be such so as to prevent rainwater and other types of moisture from causing dampness in the walls or the interior portion of any building or structure.
- F. *Maintenance of cornices.* All cornices entablatures, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair and shall be properly anchored to a building or structure so as to be in a safe condition.
- G. *Maintenance of overhang extensions.* All canopies, marquees, signs, metal awnings, fire escapes, standpipes, gutters and downspouts, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and secure condition. They shall be protected

from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or by application of other protective treatment material.

- H. *Chimneys and appurtenances.* All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe, sound and in a good state of repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or by treatment of a similar substance.
- I. *Stairway, porch and balcony.* Every stair, stairway, porch, balcony and all appurtenances attached thereto shall be so constructed and maintained so as to be safe to use and capable of supporting the loads to which it is subjected. They shall be kept in a sound condition and in good repair.
- J. *Windows and doors.* Every window, door and frame shall be constructed and maintained in relation to the adjacent wall construction so as to prevent rain and other types of moisture and wind from penetrating the interior of the dwelling or structure. Every window sash shall be treated with approved glazing materials and shall be free of cracks and holes. Penalty, see § 151.999

#### § 151.059 SANITARY CONDITIONS.

- A. Every occupant of a structure, building or part thereof shall keep that portion of the structure or premises which he or she occupies in a clean and sanitary condition.
- B. Every owner, manager or operator of a building containing two or more dwelling units shall maintain the shared or public areas of the building in a clean and sanitary condition.
  - 1. *Disposal of rubbish.* Every occupant of a structure or building shall dispose of all rubbish in a clean and sanitary manner by placing it in rubbish containers equipped with tight-fitting covers.
  - 2. *Garbage disposal facilities.* Every occupant of a structure or part thereof shall dispose of garbage in a clean and sanitary manner by placing it in garbage disposal facilities or, if the facilities are not available, by removing all non-burnable matter and securely wrapping the garbage and placing it in tight garbage storage containers or by disposing the garbage in a manner as may be approved by the village code or other ordinances.
  - 3. *Placement of garbage.* Rubbish and garbage shall not be placed on the front property line for pick-up by the disposal service more than 24 hours prior to the time such pick-up will occur.
  - 4. *Building requirements for garbage.* Every building shall be supplied with an approved garbage disposal facility such as a mechanical sink grinder to be located within each dwelling unit or with approved outside garbage can or cans as required by this code. The facilities shall be sufficient to meet the needs of the occupants. Outside storage shall be screened on all sides so as not to be visible to adjoining residential structures.
  - 5. *Approved containers.* Every structure shall have adequate approved containers and covers for storage of rubbish and the owner, operator,

manager or agent in control of a building shall be responsible for the removal of the rubbish.

6. *Non-residential structure.* The owner or occupant of a non-residential structure or part thereof shall keep the equipment and fixtures located therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use, operation and maintenance of the equipment and fixtures. Penalty, see § 151.999

### ***NOTICES; POSTING REQUIREMENTS***

#### **§ 151.070 NOTICE OF VIOLATION.**

- A. Whenever the Administrator determines there has been a violation of this code or has reasonable grounds to believe that a violation has occurred or whenever the Administrator has condemned a structure or equipment under the provisions of this code, notice shall be given to the owner or the person or persons responsible in the manner as prescribed below.
- B. If the administrator has condemned the property or part thereof, he or she shall give notice to the owner and the occupants of his or her intent to post the property, to order equipment out of service and that the occupants vacate the premises.
- C. The notice shall:
  1. Be in writing;
  2. Include a description of the real estate sufficient for identification;
  3. Include a statement of the reason or reasons why it is being posted; and
  4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the structure into compliance with the provisions of this code and other applicable codes and ordinances.

#### **§ 151.071 SERVICE OF NOTICE.**

- A. Service of the notice required in the previous section shall be deemed to be properly served upon the owner if a copy is delivered to the owner personally or by leaving a copy of the notice at the usual place of the owner's abode with someone residing there of suitable age and discretion who shall be informed of the contents of the notice. Notice can also be served by certified or registered mail, return receipt requested, addressed to the owner at his or her last known address.
- B. In addition to the forms of service specified above, notice when the structure is condemned must also include posting a copy of the notice in a conspicuous place in or about the structure affected by the notice and at least one publication of the notice in a local newspaper of general circulation within the village.

**§ 151.072 CONDEMNATION ORDER; VACATION OF PREMISES.**

- A. When a condemnation order is served on an occupant other than the owner or person responsible for compliance, a reasonable time to vacate the property after non-compliance shall be allowed and stated in the order.
- B. Owners or persons responsible for compliance, however, must vacate at the time set as a deadline for correction of defects if there is a failure of compliance.

**§ 151.073 NON-COMPLIANCE.** Penalties for non-compliance of orders and notices shall be in accordance with §§ 151.115 through 151.120.

**§ 151.074 ISSUANCE OF CONDEMNATION NOTICE.**

- A. When the condemnation notice required under the provisions of this code has been given and time allowed for repairs has expired without compliance, the Administrator shall post on the premises or structure or parts thereof, or on defective equipment, a placard bearing the words:

**“CONDEMNED AS UNFIT FOR HUMAN OCCUPANCY OR USE”**

- B. A statement of the penalties provided for any occupancy or use or for removing the placard shall be noted on that placard. The owner, or the person or persons responsible for the correction of violations, shall remove himself or herself from the property for his or her failure to comply with the correction order in the time specified. However, other occupants of the property shall be given a reasonable amount of time thereafter to vacate.

**§ 151.075 CONTINUED USE OF STRUCTURE.** Any person who shall occupy a posted premises or structure or part thereof or shall use posted equipment and any owner or person responsible for the premises who shall let anyone occupy a posted premises shall be subject to the penalties provided for herein. Penalty, see § 151.999

**§ 151.076 LIFTING CONDEMNATION NOTICE.** The Administrator shall remove the condemnation card whenever the defect or defects upon which the condemnation and posting action were based have been eliminated. Any person who defaces or removes a condemnation card without the approval of the Administrator shall be subject to the penalties provided for herein. Penalty, see § 151.999

**§ 151.077 EMERGENCY ACTIONS.** Whenever an Administrator finds that an emergency exists on any premises, or in any structure or part thereof, or on any defective equipment which requires immediate action to protect the public's health and safety or the health and safety of the occupants therein, the Administrator shall, with proper notice and service in accordance with the provisions stated herein, issue an order reciting the existence of an emergency and requiring the vacating of the premises or the taking of such other action as the Code Enforcement Administrator deems necessary to meet an

emergency. Notwithstanding other provisions of this code to the contrary, the order shall be effective immediately and the premises or equipment involved shall be posted immediately upon service of the order. A copy of that order shall be delivered to the Mayor and members of the Village Board immediately after it is issued.

### ***JUNK VEHICLES***

**§ 151.090 DEFINITION.** For the purposes of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

#### ***JUNK VEHICLE.***

1. Any vehicle which is without a current valid license plate and/or is in a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative or abandoned condition. A ***JUNK VEHICLE*** is also a motor vehicle from which, for a period of at least seven days, the engine, wheels or other parts have been removed or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.
2. A ***JUNK VEHICLE*** shall be classified as to its condition in one of the two following categories:
  - a) ***RESTORABLE.*** A junk vehicle that is in a condition whereby repairs to it could be made to place it in operating condition without exceeding its estimated value when repaired. One restorable vehicle shall be allowed on a lot located in a residential area provided that it is enclosed within a garage structure.
  - b) ***WRECKED.*** A junk vehicle in such a condition that it is economically unsound to restore it to operating condition considering the cost of repairs to be made, age of the vehicle, market value of the vehicle if it were restored or if, in the opinion of the Administrator, it is determined that such a classification for the vehicle is warranted. A wrecked vehicle shall not be allowed to remain or be stored on any parcel within a designated residential area.

***Cross-reference:***

*Abandoned and Inoperable Vehicles, see Chapter 92*

**§ 151.091 DECLARATION OF NUISANCE.** All junk vehicles, whether on public or private property and in view of the general public, are hereby declared a nuisance, and any person who violates any provision of this code pertaining thereto or who fails to obey a notice which states that such person is to dispose of that vehicle under his control shall be subject to the fines and penalties as provided for in §§ 151.115 through 151.120.

**§ 151.092 ISSUANCE OF CITATIONS, EXCEPTIONS.** After ten days from the issuance of a citation, members of the Police Department may enter upon public or private property and remove any junk vehicle, or parts thereof, for the purpose of disposing of same. The cost(s) for the removal shall be paid by the owner of the property. However, nothing in this section shall apply to any motor vehicle that is kept within a building, nor does this section apply to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

**§ 151.093 MULTIPLE VEHICLES FOR SALE.** The offering of two or more motor vehicles for sale at the same time on private property located within a residential area is prohibited. At no time and under no circumstances is the offering for sale of a junk vehicle or the sale of vehicle parts permitted in open areas on private property unless the property upon which it is situated is licensed by the village to permit such sale. For the purpose of this section, a "for sale" sign posted upon or adjacent to a motor vehicle constitutes an offering for sale and is prohibited unless specifically allowed herein. Penalty, see § 151.999

**§ 151.094 UNLAWFUL SALE WITHOUT LICENSE.** Except as permitted by this code, it shall be unlawful to offer for sale any vehicle at any location unless the location is licensed by the village to permit such a sale. The owner of the vehicle, as well as the owner of the property upon which it is located, shall be liable for any violations of this code which pertain thereto. Penalty, see § 151.999

**§ 151.095 ENCLOSURE OF MOTOR VEHICLES.** Unless otherwise provided herein, all unregistered, inoperable or junk motor vehicles shall be garaged when in a residential district.

**§ 151.096 DISMANTLING PROHIBITED.** Unless otherwise provided for herein, no motor vehicle which is in a state of major disassembly, disrepair or which is being stripped or dismantled shall be permitted on any property located within a residential or a non-residential district unless the property is licensed for the use. The major repair or demolition of motor vehicles shall not be permitted in residential areas. Penalty, see § 151.999

**§ 151.097 UNLAWFUL PARKING.**

- A. All vehicles parked in a residential district shall be parked on a street, a clearly delineated driveway or within a garage.
- B. At no time shall a motor vehicle be parked, stored or in any manner be placed on the front, side or rear yards or otherwise allowed to create a nuisance to adjoining property owners by placing the vehicle in areas other than herein provided. Penalty, see § 151.999

**§ 151.098 COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICT.**

A.

1. No more than one commercial vehicle shall be parked, stored or housed within a residential district.
2. The commercial vehicle parked, stored or housed within a residential district must be owned by or assigned to the owner of the premises where the vehicle is situated and must be located on the owner's lot in the residential district.
3. The vehicle must not exceed seven feet in height and shall not be a school bus, tractor, trailer, dump truck, front loader, crane, tow truck or similar vehicle.
4. The commercial vehicle shall be parked to the side or rear of a building on a clearly delineated driveway so as to be screened from view from the public right-of-way as much as possible.
5. For the purpose of this section, the following definition shall apply unless the context clearly indicates a different meaning.

**COMMERCIAL VEHICLE.** A vehicle having been issued a "B" or a "D" license plate by the Secretary of State. All other commercial vehicles having greater than a "D" license plate shall not be parked, stored or housed within a residential district.

- B. No refrigerated truck or trailer shall be parked within the village between the hours of 10:00 p.m. and 6:00 a.m. with the refrigeration unit in operation, except where the units are parked in parking areas specifically designed and established for group parking of the units or where the units are parked within properly zoned business districts and where the noise from the vehicles is not audible in adjacent residentially zoned districts.
- C. No diesel powered truck or trailer shall be parked within the village between the hours of 10:00 p.m. and 6:00 a.m. with the engine running, except where the units are parked in parking areas specifically designed and established for group parking of the units or within properly zoned business districts and where the noise from the vehicles is not audible in adjacent residentially zoned districts. Penalty, see § 151.999

**§ 151.099 RECREATIONAL VEHICLES.** The provisions of this code shall not be construed to amend or alter any provisions contained in other codes or ordinances regulating the parking and/or storing of recreational vehicles.

**§ 151.100 APPLICABILITY.** All provisions of this code shall apply to trailers and towable vehicles.

***VIOLATIONS, PENALTIES AND REMEDIES***

**§ 151.115 CODE VIOLATIONS.** It shall be unlawful for any person to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure or equipment regulated by this code when the conduct is contrary to or in conflict with or in violation of any of the provisions stated herein.

**§ 151.116 NON-COMPLIANCE WITH ORDER.**

- A. In case any violation order is not promptly complied with, the Administrator may request the Village Board to direct the village's legal representative to institute an appropriate action or proceeding in a court of competent jurisdiction to collect the penalties provided for in § 151.999(A)
- B. Furthermore, subject to the provisions set forth in ILCS Chapter 65, Act 5, § 11-31-1, the Administrator may ask the Village Board to authorize the village's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:
  - 1. To restrain, correct or remove the violation or refrain from any further work at that structure(s);
  - 2. To restrain or correct the erection, installation or alteration of the structure(s);
  - 3. To require the removal of work in violation of any provision of this code; or
  - 4. To prevent the occupation or use of the structure or part thereof erected, constructed, installed or altered in violation of or not in compliance with the provisions of this code or which is in violation of a plan or specification of which an approval, permit or certificate was issued by the village.

**§ 151.117 ACTION BY BOARD OF TRUSTEES.**

- A. Subject to the provisions of ILCS Chapter 65, Act 5, § 11-31-1, the Administrator may recommend to the Village Board that it direct the owner of the premises upon which is located any structure or part thereof, which, in the Administrator's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, to raze and remove a structure or part thereof.
- B. Furthermore, the Village Board may direct the owner of a premises to repair, make safe and make sanitary a structure if it can be repaired or to raze and remove the structure at the owner's option.
- C. The Village Board may also direct the owner of the premises to demolish a structure where there has been a cessation of normal construction of the structure for a period of more than two years and the unfinished structure is so deteriorated that it warrants demolition.

**§ 151.118 TIME CONSTRAINTS.**

- A. The order from the Village Board shall specify a time in which the owner shall comply therewith and specify repairs, if any, to be made. It shall be served on the owner of record, or an agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or a holder of the encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper of general circulation within the village.
- B. An extension of time to comply with an order of repair or demolition issued by the Village Board may be requested by the owner from the Village Board by filing the requests with the Village Clerk within five days of receipt by the owner of the notice of repair or demolition.

**§ 151.119 COMMENCEMENT OF COURT PROCEEDINGS.**

- A. In the event the owner of the premises fails or refuses to comply with the order of the Village Board, the Village Board may direct the Village Attorney to commence court proceedings in accordance with ILCS Chapter 65, Act 5, § 11-31-1 to authorize the demolition or repair of the structure.
- B. The requirements and provisions of ILCS Chapter 65, Act 5, § 11-31-1 are incorporated herein by reference, shall be strictly complied with and shall supersede and take precedence over any provisions of this code or ordinances which are in conflict therewith.

**§ 151.120 SALE OF STRUCTURE AND MATERIALS.** When any structure has been razed and removed, the Village Board, or its designated officer under a contract or arrangement for removal, may sell the salvageable and valuable materials at the highest price obtainable. The net proceeds of such a sale, after deducting the expenses of the razing and removal, shall be promptly remitted to the Village Clerk with a report of a sale transaction, including the items and the amount deducted for the benefit of any person, firm or corporation entitled to reimbursement for the expenses. The report to be submitted shall so state if there are no sale proceeds remaining to be remitted.

*CERTIFICATE OF OCCUPANCY*

**§ 151.135 OCCUPANCY PERMIT REQUIRED.**

- A. It shall be unlawful for any person, owner or agent thereof to occupy or use, or to permit the occupancy or use of any single or multi-family dwelling unit for any purpose including the movement of furniture, equipment or other personal property into the premises until a permit of occupancy has been issued by the Administrator. The certificate so issued shall state the

- occupancy complies with all of the provisions of this code as far as can be determined by a visual inspection of the premises and a review of the records.
- B. The fee for the occupancy permit/final inspection shall be \$15 for each dwelling unit or building, or portion thereof, occupied. If an inspection certificate has been issued, then an occupant may move in on weekends and holidays when the department, responsible for issuing occupancy permits, is closed. The occupant is required to obtain the permit within three days after the Department is open.

**§ 151.136 APPLICATION.** It shall be unlawful for any person to knowingly make any false statements on an application for an occupancy permit for a dwelling unit as to the names, relationship or number of occupants who will occupy the dwelling unit. Penalty, see § 151.999

**§ 151.137 ACTION ON APPLICATION.**

- A. The Administrator shall examine, or cause to be examined, all applications for permits within a reasonable time for filing. He or she shall cause the premises to be inspected within seven working days after filing. If the premises are not inspected within seven working days, then the permit and certificate of compliance shall be automatically issued without an inspection. If the premises are not in compliance with this code and all laws and ordinances applicable thereto, the Administrator shall provide the applicant with a list of defects that are not in compliance. The defects shall be listed with as much specificity as possible. The owner or occupant of every dwelling unit and its premises shall give the Administrator free access thereto, at all reasonable times, for the purpose of the inspection. An inspection shall be valid for a period of one year. The dwelling unit does not have to be reinspected during the year, even if the occupancy changes. There shall be no fee for the original inspection, or the first reinspection, if necessary.
- B. A reinspection shall be made within seven working days after a written request for reinspection has been made to the Administrator. If the premises are not reinspected within the seven working days, from receipt of the written request, then the permit and certificate of compliance shall be automatically issued without a reinspection. If specific defects are found in the original inspection, the Administrator shall not require additional defects to be corrected that were discovered on a reinspection unless the new defects occurred after the original inspection.
- C. There shall be a fee of \$50 for every reinspection after that first one.
- D. No inspection shall be required under this subchapter for a dwelling unit that is less than five years of age.

**§ 151.138 ISSUANCE OF PERMIT.** If all the fees are paid and the Administrator is satisfied that the premises and its occupancy are in compliance with this code and all laws and ordinances applicable thereto, the Administrator shall issue the occupancy permit as soon as practicable.

**§ 151.139 CONDITIONAL PERMIT.**

- A. Occupancy shall be permitted on a conditional basis when in the judgment of the Administrator practical difficulties interfere with completing all repairs required to bring the premises into full compliance with this code prior to permitting occupancy.
- B. However, no conditional permit shall be issued when there is a condition on the premises which can threaten the health or safety of an occupant.
- C. No conditional permit shall be issued under the provisions of this code for which a change in use is proposed unless a certificate of use and occupancy has first been issued under the provisions of the Building Code and/or Zoning Code.

**§ 151.140 REJECTION OF APPLICATION.** If the application does not comply with the requirements of all pertinent laws, the Administrator shall reject the application in writing, stating the reasons therefore.

**§ 151.141 SUSPENSION OF PERMIT.** Any permit issued shall become invalid if the occupancy is not commenced within six months after issuance of the permit or if the occupancy is terminated.

**§ 151.142 REVOCATION OF PERMIT.** The Administrator may revoke a permit in cause of any false statement or misrepresentation of facts in the application on which a permit was based, or in the event a structure or part thereof is condemned pursuant to this code.

**§ 151.199 PENALTY.**

- A. Any person, upon conviction of violating any provisions of this code, shall be fined not less than \$50, nor more than \$750 for each violation. The Administrator is authorized to issue a citation for each day that a violation continues after due notice has been served and each citation shall be deemed a separate and distinct offense.
- B. Any person, upon conviction of violating § 151.098, shall be fined \$250 for each violation.
- C. Any owner or occupier of any premises violating §§ 151.135 through 151.142 shall, upon conviction, be fined \$100. Each day an occupancy continues without complying with this code shall be considered a separate offense and is subject to a separate fine.

This 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 7th DAY OF JUNE, 2010.

AYES	NAYS	ABSENT
<u>Rita Cyber</u>	_____	_____
<u>Seth Speiser</u>	_____	_____
<u>Charlie Mattem</u>	_____	_____
<u>Steve Smith</u>	_____	_____
<u>Carly Valentine</u>	_____	_____
<u>Jerry Miller</u>	_____	_____

Jerry Lynn Menard  
Jerry Menard, Village Clerk

APPROVED THIS 7th DAY OF JUNE, 2010

Raymond Danford  
Raymond Danford, Village President

Approved as to form: Stephen R. Wigginton  
Stephen R. Wigginton, Village Attorney

# ***Update & Supplement – No Binders***

RESOLUTION NO. \_\_\_\_\_

**WHEREAS, the Illinois Codification Services**, hereinafter referred to as the "**Service**", hereby offers to **update and supplement** the ordinances and publish new pages for the existing Code of Ordinances for the **Village of Freeburg, Illinois** a municipal corporation duly organized and existing under the laws of the State of Illinois, hereinafter referred to as the "**Municipality**";

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, ILLINOIS** THAT THE FOLLOWING TERMS AND CONDITIONS SHALL APPLY, NAMELY:

**A. MECHANICAL SPECIFICATIONS.**

- (1) **PRINTING.** The text of the Code will be in ten-point type unless otherwise specified. Upon completion of the editorial research and codification work, the Code will be reproduced to match the existing Code. The pages will be printed on both sides in order to reduce the size of the Code.
- (2) **PAPER.** The specified number of copies of the Code will be set out on 24 pound bond paper or better.
- (3) **PAGE SIZE.** The page size shall be 11" x 8 1/2" in size.
- (4) **LABOR AND MATERIALS.** All labor and materials for the completed Code will be furnished by the **Service**.

**B. COMPOSITION WORK.** The **Service** will, under the review and supervision of the Attorney for the **Municipality**:

- (1) Classify, edit and codify the ordinances of general and permanent nature passed in final form by the **Municipality** as of the date of this contract; provided, however, that the **Municipality** may forward to our offices, all ordinances passed subsequent to said date for inclusion in the new Code, up to the time of the final preparation of the Code.
- (2) Edit the ordinances referred to in paragraph (1) above so that the provisions of the new Code will be expressed in concise, modern, and proper phraseology, without conflicts, ambiguities and repetitious provisions. Material changes resulting thereby shall be submitted to the Attorney for the **Municipality** for consideration and approval.

- (3) Each chapter of the new Code shall be all inclusive and shall embrace all ordinances dealing with the subject matter of that chapter, and within the chapter itself the ordinances shall be arranged in an orderly and logical fashion.
- (4) Technical codes which have been adopted by reference--e.g., building, plumbing, electrical, and similar technical codes--will be excluded from the Code unless the municipal representative directs the **Service** to include such technical codes in toto. Ordinances adopting such technical codes by reference shall be included and classified in appropriate sections of the Code.
- (5) Only the substantive provisions of each ordinance will be codified; provisions such as the title, ordaining clause and attestation clause of each ordinance being omitted to the extent permitted by law.
- (6) Inform the Attorney for the **Municipality** or the municipal representative of all outmoded or obsolete ordinances and of all apparently conflicting provisions of ordinances where amendment, repeal or new legislation is deemed necessary or advisable or which he, in turn, may recommend to be repealed by the corporate authorities.
- (7) Prepare ordinance and date history for each section of the Code wherever this is possible.
- (8) During the course of the editorial work, the **Service** will make recommendations for new provisions where, in its opinion, there is an obvious need for legislation on specific subjects. However, since the need for new provisions is of a local nature and varies from municipal to municipal, the **Service** will rely primarily upon the **Municipality** to request specific recommendations as to new provisions.
- (9) The Attorney for the **Municipality** or the municipal representative shall accept or reject any or all of the recommendations submitted by the **Service**. The Attorney or municipal representative shall make all legal decisions and determine all legal questions and shall be responsible to the corporate authorities for such determination.
- (10) All editorial work will be performed in the offices of the **Service** in Freeburg, Illinois. Upon completion of the basic editorial research, the **Service** will conduct, if necessary, an editorial conference with the municipal authorities. The **Service** shall supply three (3) draft copies of the Code for review prior to the conference.

- (11) Upon completion of the post conference work, the **Service** will notify the **Municipality** in writing that the Code is ready for printing. No ordinances will be included in the Code enacted subsequent to such notice.
- (12) When the printing is complete, the **Service** will submit three (3) or more copies bound for adoption along with a form of a suggested adopting ordinance.

**C. THE MUNICIPALITY WILL:**

- (1) **Working Copy of Ordinances.** The **Municipality** will supply to the **Service** one (1) legible working copy of each ordinance which is printed on one (1) side of the paper. If a working copy is not available, the **Municipality** will make the ordinance books available to the **Service** for duplicating. The **Service** will make duplicate copies of the ordinances necessary to the Code and will charge the **Municipality** the **Service's** cost in having the ordinances duplicated.
- (2) **Review of Recommendations.** The **Municipality** will immediately, after receipt of the draft copies of the code and the ordinance report, begin to review the report and recommendations.

**D. BASIC COST AND PAYMENT SCHEDULE.** The basic cost for the work of updating, editing, and printing of the Code as herein provided to be paid for by the **Municipality**, shall be as follows:

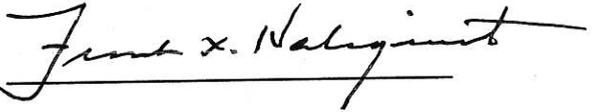
- (1) Money due hereunder shall be due and payable by the **Municipality** as follows:
  - (a) Upon signing this agreement: \$ 500.00
  - (b) 50% of the cost of new pages billed upon submission of final draft @ \$13.50 per page \$ \_\_\_\_\_
  - (c) Upon final delivery remaining 50%: \$ \_\_\_\_\_
- (2) 25 Sets of supplement pages on 24 lb. paper and duplexed.
- (3) Any meetings required to review the Code revisions will be at the rate of \$75.00 per hour plus mileage.
- (4) The costs as provided above are based on a page containing type for ordinary composition. In the event the Code should contain tables, drawings, designs, algebraic formulae and the like, the cost of such engravings or tabular matter will be additional to the costs as provided in paragraph (1) above.

- (5) **TIME FOR COMPLETION.** Time is of the essence. It is the intention of the **Service** to deliver the completed code volumes to the **Municipality** within **one (1) year** of the signing of this contract. Should delivery be delayed because of the **Municipality's** delay in performing its duties according to this contract, the **Service** shall have the right to increase the final cost of the Code to compensate for any increase in labor, materials or overhead cost. This cost shall not exceed **two percent (2%)** per month of the basic cost after the anniversary of this contract.

This contract is a valid proposal for the **Municipality** until **December 1, 2010**.

BY: **Frank X. Heiligenstein, D/B/A**  
**ILLINOIS CODIFICATION SERVICES**  
**FREEBURG, ILLINOIS 62243**

DATE: October 18, 2010

SIGNED: 

This resolution is accepted and approved this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

SIGNED:

MAYOR \_\_\_\_\_

VILLAGE CLERK \_\_\_\_\_

(SEAL)



# WEILMUNSTER LAW GROUP, P.C.

wwlaw1.com

**J. MICHAEL WEILMUNSTER\***  
E-Mail: [jmw@wwlaw1.com](mailto:jmw@wwlaw1.com)

**FREDERICK W. KECK\***  
E-Mail: [fwk@wwlaw1.com](mailto:fwk@wwlaw1.com)

**J. BRIAN MANION\***  
E-Mail: [jbm@wwlaw1.com](mailto:jbm@wwlaw1.com)

\*Licensed in Illinois and Missouri

---

October 7, 2010

Mr. Dennis Herzing  
Village Administrator  
Village of Freeburg  
Freeburg Municipal Center  
14 Southgate Center  
Freeburg, IL 62243

RECEIVED

OCT 08 2010

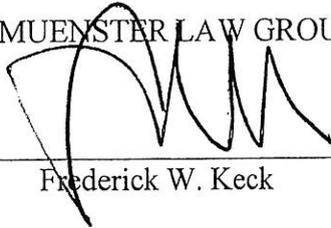
Re: Village of Freeburg v. Anthony W. Schneider  
10OV2649 (dog running at large)

Dear Dennis:

I appeared before Judge Cruse for a bench trial this morning in this matter. In lieu of a trial, Mr. Schneider pled guilty to the ordinance violation and agreed to pay a fine of \$150.00. I am enclosing a copy of the Order in this regard. Judge Cruse did allow Mr. Schneider to pay via a payment plan. If he fails to pay in accord with the plan, he will be cited for contempt of the Court's Order. I was pleased with the outcome in this matter. If you have any questions, please do not hesitate to call me.

Sincerely,

WEILMUNSTER LAW GROUP, P.C.

By: 

Frederick W. Keck

FWK/sb

Enc.

Cc: ✓ Mayor Ray Danford (w/ enc.)  
✓ Julie Polson (w/ enc.)  
Brian Manion (w/ enc.)



Brendan F. Kelly  
Circuit Clerk

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS

Case Number	Ticket #	Offense Description
10OV0002649	1301708	ANIMAL RUNNING AT LARGE
Arresting Agency: FREEBURG		
Date of Offense: Monday June 28, 2010		

The City/Village of FREEBURG  
vs.  
ANTHONY W. SCHNEIDER  
(Defendant)

**PLEA OF GUILTY AND SCHEDULE OF SENTENCING**

I hereby enter a Plea of guilty to the following charge(s) and will pay the following assessments, 10OV0002649 is \$150.00, I UNDERSTAND THAT I MUST PAY A TOTAL FINE AND COSTS OF \$150.00 PRIOR TO Tuesday February 08, 2011 and that I will be placed on a period of supervision for 30 days, beginning on the date that all the fine and costs are paid in full. If the total fine and costs are not paid by the above date, I understand that I must appear in Courtroom 109, First Floor, St. Clair County Building, 10 Public Square, Belleville, Illinois on Tuesday February 08, 2011 at 1:30 pm for sentencing.

I understand that failure to pay the fines and failure to appear in court by the above date will result in a conviction being entered against my driving or criminal record (sentencing in absentia). I agree that I am financially capable of paying the fine by the above date and that no additional time will be allowed to pay said fine and costs.

Payment in full can be made by mail in the envelope provided in court or by mailing a check or money order to Brendan F. Kelly, Circuit Clerk, P.O. Box 691, Belleville, Illinois 62220-0691. Payment in full can also be made at the office of the Circuit Clerk on the first floor of the St. Clair County Courthouse. I UNDERSTAND THAT IF MY FINE AND COSTS ARE PAID PRIOR TO THE ABOVE SENTENCING DATE, I DO NOT HAVE TO REAPPEAR IN COURT.

TRAFFIC OFFENSES ONLY: I also understand that my failure to pay the fine and costs will be reported to the Illinois Secretary of State. All Illinois residents will be prohibited from renewal, reissue, and reinstatement of their driving privileges until the fine is paid in full. The driving services departments of all defendant's who are not residents of the State of Illinois will be requested to suspend the defendant's driving privileges.

In addition to other statutory ramifications, if I pay by check and my check is returned unpaid by the bank, my supervision will be revoked and a conviction will be entered on my record in addition to the criminal and civil remedies available to the State's Attorney.

**X**

Defendant's Signature