

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Rita Baker
Charlie Mattern
Kevin Groth
Corby Valentine
Steve Smith
Tony Miller

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

March 2, 2009

NOTICE

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

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, March 4, 2009, at 5:00 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items To Be Discussed

- A. Old Business
 - 1. Approval of February 5, 2009 Minutes
 - 2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code
 - 3. Status of Public Hazard Homes
 - 4. TIF Litigation
 - 5. Drainage easement grades
 - 6. Bill's Autobody
 - 7. Dusk to Dawn Lighting
 - 8. Updating our code
 - 9. Building code revision
- B. New Business
 - 1. Brower Ordinance Violation Case
- 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.]; or real estate transactions [5 ILCS, 120/2 - (c)(5)].

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Groth/Baker/Mattern)
Wednesday, March 4, 2009 at 5:00 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 5:05 p.m. by Chairman Kevin Groth on Wednesday, March 4, 2009, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Mayor Ray Danford, Village Clerk Jerry Menard, Village Administrator Dennis Herzing, Zoning Administrator Phil Borger and Office Manager Julie Polson. Guests present: Chad Rhutasel, Bill Herr and Frank Heiligenstein.

A. OLD BUSINESS:

1. Approval of February 5, 2009 Minutes: Trustee Rita Baker motioned to approve the February 7, 2009 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, motion carried.

2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: The topic of the building code was discussed in length at last night's Committee as a Whole Meeting. Kevin said the Community Improvement Board will carry on with their review of the Village code and make their recommendations to this committee. Charlie said he agrees with Bob Koerber in that what someone does in their own house is their business but once it is opened up by someone coming into your business or you rent to someone, we have a responsibility to protect. Kevin said he is in agreement with Dennis' comment last night about differentiating between residential and commercial. Dennis said there is a big difference between owner occupied and rented units. Kevin brought up the old railroad motel stating once that has been remodeled, an inspection would probably be in order.

3. Status of Public Hazard Homes: Kevin said there is not much left on this item except the wells need to be taken care of on Sheets property. Rita asked if the roof is getting bad on the Wilderman house. That is the home on N. Main and Koesterer (Kinzinger home). Dennis will take a look at it.

4. TIF litigation: This topic was discussed at the March 2, 2009 board meeting.

5. Drainage easement grades: The committee agreed to leave on the agenda. Kevin asked if the Community Improvement Board has discussed this yet and Dennis advised not yet. Their list is pretty full but this will be added to it. Charlie said it still needs to be addressed as these problems will be ours by default because the homeowner has no-one else to turn to. Charlie brought up incorporating this into the building permit to insure the lot grade was correct at the time the

Legal and Ordinance Committee Meeting
Wednesday, March 4, 2009

Page 1 of 3

occupancy permit is issued. Dennis said our response to the homeowner with a problem like this has always been it is a civil issue between the neighbors. Dennis reminded the committee language is put onto the plats that states the homeowner is responsible for maintaining drainage ditches and is not the Village's responsibility. The committee agreed to further discuss adding this to the building permit.

6. Bill's Autobody: Bill Herr was present to discuss the appearance of his business on N. State Street. He asked the committee for 30 days to get everything out in front cleaned up. Kevin said that would be fine and told Bill we greatly appreciate him getting the area cleaned up.

7. Dusk to Dawn Lighting: Kevin will discuss this topic at the next committee meeting.

8. Updating our code: Frank was present to discuss the options we have available to update our code. Kevin advised we passed on the contract at the last board meeting. Frank passed around a revised contract. Frank said there are different ways to update the code. You can start from scratch and codify the code. You can supplement the existing code. You can also review and critique the existing code to see what is missing, what needs to be updated. Frank would provide documents for this committee to review that would fill in the voids in our code as well as recommendations on what we no longer need in the code. The review will cost \$500.00. Frank reviewed some items that should be included in the code, i.e. liquor code revisions, public safety, identity theft, etc. Kevin asked about putting our code on cd and Frank said there might be a problem with the Freeburg one. The committee agreed to have Frank supplement the code and have than done by election time and then have Frank review the code and offer his recommendations at a cost of \$500.00. No formal motion was made.

9. Building code revision: Discussed briefly under #2 above and more in depth at Committee as a Whole last night.

B. NEW BUSINESS:

1. Brower Ordinance Violation Case: Julie put in the packet for informational purposes.

C. GENERAL CONCERNS: Rita talked to Mr. Stumpf who said he had 24 lawnmowers available and Ray said he had heard they had been moved to a property outside of town.

D. PUBLIC PARTICIPATION: Chad Rhutasel was present to discuss his concerns about landlords being responsible for a renter's unpaid utility bill. He passed out information on Mascoutah's policy which does not hold the landlord responsible. A copy of our own code was provided to the committee. Chad talked to Corby after the board meeting who brought up the suggestion if we got a credit card machine here, we could charge the credit card if a utility bill went unpaid. Chad asked if we

could increase our utility deposits. Rita asked Chad if he could also raise his deposits and Chad said yes, he could. Kevin said we are doing a little to help the landlord, but not a lot and asked if there was some way we could turn them over to a collection agency. Dennis said we could look into that but said we are probably not large enough for it to be cost effective. Dennis did tell the committee that Jane does go through a lot to try and collect the unpaid bills. Kevin said he would like to see us come up with other ways to put pressure on the renters that leave unpaid bills. Dennis said from conversations with our attorney, that is why it runs with the land and easy to place a lien, because it isn't easy to chase these people down. Chad asked if there is a way we can report them to a credit agency and Dennis said he will check with our attorney. Charlie asked if we could leave it up to the landlord on how much they want the deposit to be. Dennis asked why do we want to be the middleman and complicate our system? That would create a lot more work for the office staff. If the landlord wants higher deposits, let them increase their own deposit. Jane will check with the surrounding municipalities to see what their renter deposits are.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 6:20 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Groth/Baker/Mattern)
Thursday, February 5, 2009 at 5:00 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 5:09 p.m. by Chairman Kevin Groth on Thursday, February 5, 2009, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Village Administrator Dennis Herzing, Zoning Administrator Phil Borger and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of January 7, 2009 Minutes: Trustee Rita Baker motioned to approve the January 7, 2009 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, motion carried.
2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Minutes from the last meeting were provided to the trustees. Rita said they have started looking through the Nuisance Abatement Code that Dennis received from Maryville. The next meeting is Monday, February 9, 2009 at 7:00 p.m.
3. Status of Public Hazard Homes: Dennis advised Attorney Wigginton responded to Attorney Ysursa's latest letter advising him the wells need to be fixed. We are waiting to hear back from them. Dennis explained the larger open well is the dangerous one. It needs to be filled in and Sheets would have to apply for an EPA permit to do that. Kevin asked if we have enough in our code to cover this problem and Dennis advised yes.
4. TIF litigation: Dennis provided Attorney Wigginton's email advising Koppeis has rejected our offer. We need to make a decision to either offer something different or go to court. Dennis will invite Attorney Wigginton to the next board meeting to discuss this issue.
5. Stumpf lawnmower repair: Dennis advised the case went to trial and Mr. Stumpf was charged with an ordinance violation for operating a home occupation without a special use permit. He agreed to plead guilty, pay a \$100 fine and also agreed to cease selling lawnmowers and repairing mowers for money or personal gain on his property. Phil said Mr. Stumpf told him he is going to continue to cut his neighbor's lawns. Item can be taken off the agenda.

Legal and Ordinance Committee Meeting
Thursday, February 5, 2009
Page 1 of 3

6. Drainage easement grades: Nothing new on this. Charlie will talk to Columbia to see what they have. The Community Improvement Board is discussing this issue.

7. Bill's Autobody: The committee reviewed Attorney's Manion's opinion with regard to Bill's Autobody. He believes if he strips a car for parts, he is operating a junk yard and that can be addressed by our code. Charlie asked what had been done in the past and Rita said when we have requested he clear up the area, he complies but only for a while. The committee agreed to have Dennis send him a letter using the information provided in Manion's letter.

8. Dusk to Dawn Lighting: Kevin will discuss this topic at the next committee meeting.

9. Updating our code: The approximate cost to update our code per page will be \$837.00. Depending upon how the ordinance fits into the book, it could take up more pages than the actual length of the ordinance. The committee agreed they would like to keep the business local.

Trustee Rita Baker motioned to recommend to the full Board our code books be updated by Illinois Codification Services at \$13.50 per page not to exceed 100 pages and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

B. NEW BUSINESS:

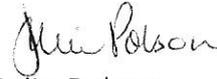
1. Building permit for old Tom's Supermarket: Kevin was questioned by someone wanting to know why the purchaser of the old Tom's Supermarket did not get a building permit. Kevin talked to Dennis who told him it would be a change of use in the zoning code, whether it fits into B1 or not. Kevin told the committee we did adopt the International Building Code that the County uses. He said this is a building issue not a zoning issue. He said the code talks about who and who does not need a permit on page 3, "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit." Kevin said we need to require building permits when there is a change in use. Kevin said part of the IMAP mentions concerns that we do not enforce building codes consistently. Kevin said we need to start going by the code we adopted. Charlie asked how that affects Tom's and Kevin said he thinks they need to get a building permit. Rita said we need to either call or send him a letter. Phil said he and Dennis talked about it and he said the question came in with change of use. Kevin said that applies to the zoning code. The policy has been if the work is inside the building, no permit is needed. Phil said in his conversation with new owner of the Tom's Building if the Village gets too stringent with him he would sell the building. Kevin thinks a major policy change is needed. Charlie said he is willing to open up a discussion of what

constitutes a change in use. Phil said when he talked to the owner, he had done research on the fire requirements. Charlie said by not requiring building permits in this instance we are opening ourselves up to a huge risk. The committee agreed to send him a letter to get the process moving and also invite him to the next Legal & Ordinance Committee meeting. Charlie said if he can't wait that long to hold a special meeting and to make it clear to him we will schedule a special meeting. Kevin said for future events, we need to change the policy and have it progress along with our growth and require permits for commercial customers. He wants the Community Improvement Board to look at the International Residence Code.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 5:57 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

Update & Supplement – No Binders

RESOLUTION NO. 09-01

DRAFT

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:	\$ <u>500.00</u>
(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 **April 15, 2008**.

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

DATE: December 9, 2008

SIGNED: 

This resolution is accepted and approved this _____ day of _____,
20____.

SIGNED:

MAYOR _____

VILLAGE CLERK _____

(SEAL)

CHAPTER 50: GENERAL UTILITIES

Section

General Provisions

- 50.01 Department established
- 50.02 Committees' supervision
- 50.03 Public Works Director
- 50.04 Duties of Director

Rates and Regulations

- 50.15 Contract for electric, water and sewer service
- 50.16 Consumer lists
- 50.17 Liability for charges
- 50.18 Estimated charge
- 50.19 No free service
- 50.20 Utility deposits; renters
- 50.21 Utility deposits; owners
- 50.22 Permits required

GENERAL PROVISIONS

§ 50.01 DEPARTMENT ESTABLISHED.

There shall be an executive department of the village known as the Utilities Department. It shall include the Electric System, Water System, and Sewer System Committees appointed by the Mayor and its employees. The designated office shall be the Village Hall.
(Former Code, § 38-1-1)

§ 50.02 COMMITTEES' SUPERVISION.

The Village Board standing committees on electric, water, and sewer shall exercise a general supervision over the affairs of the Electric, Water, and Sewer Departments. They shall ascertain the condition and needs thereof, shall from time to time report the same to the Mayor and Village Board so

Freeburg - Public Works

that a full understanding thereof shall be had, and generally, shall do all acts necessary to promote the efficiency of the departments.

(Former Code, § 38-1-2)

§ 50.03 PUBLIC WORKS DIRECTOR.

The Director shall be subject to the supervision of the Electric, Water, and Sewer Committees. He or she shall be appointed by the Mayor, by and with the consent of the Village Board, and shall hold his or her office until his or her successor shall be appointed and qualified. He or she shall receive such salary as may be provided by the annual appropriation ordinance of the Board.

(Former Code, § 38-1-3)

§ 50.04 DUTIES OF DIRECTOR.

It shall be the duty of the Director to manage and control all aspects of the electric, water, and sewer systems.

(Former Code, § 38-1-4)

RATES AND REGULATIONS

§ 50.15 CONTRACT FOR ELECTRIC, WATER, AND SEWER SERVICES.

(A) *Customer accepts service.* The rates, rules and regulations contained in this chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with utility services from the electric, water, and sewer systems, and every person, company or corporation (hereinafter called a "customer") who accepts and uses village utility services shall be held to have consented to be bound thereby.

(B) *Not liable for interrupted services.* The Department will endeavor at all times to provide a regular and uninterrupted supply of service, but in case the supply of service shall be interrupted, irregular, defective, or fail from causes beyond its control or through ordinary negligence of employees, servants, or agents, the Department shall not be liable therefor.

(C) *Using services without paying.* Any person using utility services from the village without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or by-pass any meter shall be guilty of violating this code, and upon conviction, shall be fined a sum as provided in § 10.99 of this code.

(D) *Destroying property.* A person found guilty of defacing, tampering, injuring, or destroying, or in any manner limiting the use or availability of any meter or any property of the utility systems, or

erecting signs on the property of the utility system without permission shall, upon conviction of such act, be fined as provided in § 10.99.

(E) *Service obtained by fraud.* All contracts for utility services must be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings, or by substituting other persons or firms will be considered a subterfuge and service will be denied. If service has been discontinued because of nonpayment of bills or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation, or fraud, that service will be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the village and credited to the appropriate account.

(F) *Failure to receive bill.* Failure to receive a bill shall not excuse a customer from his or her obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during any month, the billing next made shall include the charges for services used during the unbilled month. A month shall be considered as that period of approximately 30 days.

(G) *Request to discontinue service.* Services shall have been deemed to have been supplied to any property connected to the utility systems during a month unless the customer notifies the Village Clerk prior to the first day of the new billing month in which the utility services are to be discontinued.

(H) *Billing; utility shut-off; hearing.*

(1) All bills for utility services shall be due and payable upon presentation. If a bill is not paid by the fifteenth day of the billing or within 15 days of the date the bill is presented, whichever is later, a penalty equal to 10% of the amount due on said bill shall be added thereto. This penalty shall be in addition to the charge heretofore established for the utility services.

(2) If a utility bill is not paid by the fifteenth day of the month following billing, then the village shall notify the customer by first-class mail of such failure to pay. When the last day of any net payment period falls on a Saturday, Sunday or a legal holiday, such period will be automatically extended to include the following first full business day. The notice to the customer and/or property owner shall state the following:

- (a) Name and address of the consumer and the amount of his or her bill;
- (b) The date, time and location of the hearing to be held;
- (c) That the consumer has a right to be heard and to present evidence in his or her behalf;
- (d) That if the consumer fails to appear at the hearing, the consumer's utility service shall be terminated without further proceedings.

(3) The time, date and location of the hearing shall be determined by the Mayor, the Village Clerk, or the designee of the Mayor. The Mayor, Village Clerk, or designee shall preside over the

Freeburg - Public Works

hearing. The Mayor, Village Clerk, or designee of the Mayor shall make a final determination as to the rights of the consumer and the village based on the information received at the hearing.

(4) The consumer shall be notified within five working days of the decision rendered by the hearing officer. If the service is to be discontinued, a date and time will be set out in the notice to terminate the service or services of the consumer. Notice of the hearing officer's decision shall be made by first-class mail.

(5) If the hearing officer decides in favor of the village, the village shall have the right to discontinue the consumer's utility services. Should the consumer fail to appear at the hearing or should the notice be returned nonaccepted, then the village shall also have the right to terminate the consumer's utility services without further proceedings.

(6) If utility services are going to be terminated under this code for a person renting, leasing, or occupying a structure, the property owner may sign the prescribed release form in the Village Clerk's office specifying that he or she waives the utility cut-off provisions of this code and assumes responsibility for all utility fees, charges, and late charges for the person renting, leasing, or occupying his or her property. The Village Board reserves the right to terminate the utility services if the terms and conditions of the waiver are not followed.

(7) Once utility services have been disconnected [terminated], the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of \$20 for each connection of such utility services, plus expenses incurred in the reconnecting of the utility services.

(I) *Lien notice.*

(1) Whenever a bill for utility services remains unpaid for 45 days after it has been rendered, the Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the municipality claims a lien for this amount as well as for all charges for utility services served subsequent to the period covered by the bill.

(2) If the consumer of utility services whose bill is unpaid is not the owner of the premises, and the Clerk has notice of this, then notice shall be mailed to the owner of the premises if his or her address is known to the Clerk, whenever such bill remains unpaid for a period of 45 days after it has been rendered.

(3) The failure of the Clerk to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid utility bills as mentioned herein.

(J) **Foreclosure of Lien.**

- (1) Property subject to a lien for unpaid utility charges shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be billed in the name of the village.
- (2) The Village Attorney is authorized to institute such proceedings in the name of the village in any court having jurisdiction over such matters, against any property for which the bill for utility services has remained unpaid 45 days after it has been rendered.

(Former Code, § 38-2-1)

(K) **Returned Checks.**

If any check submitted in payment for utility services, deposits, or other utility related charges, is returned unpaid due to insufficient funds, or for any other reason, there shall be a Service Fee of **Ten Dollars (\$10.00)** assessed and added to the account. This fee shall be in addition to any other amounts due and payable on the account. **(Ord. No. 1229; 10-02-06)**

50.16 CONSUMER LISTS.

It is made the Clerk's duty to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving utility services, showing the name and address of the occupant and the owner of the same. The list shall be kept up-to-date and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. It shall be presented at the second regular monthly meeting.

(Former Code, § 38-2-2)

50.17 LIABILITY FOR CHARGES.

The owner of any lot, parcel of land, or premises receiving utilities services, the occupant of such premises, and the user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land, or premises and all services are rendered to the premises by the village only on the condition that such owner, occupant, and user shall be jointly and severally liable therefor to the village. (Former Code, § 38-2-3)

50.18 ESTIMATED CHARGE.

Whenever any meter, by reason of its being out of repair or from any cause, fails to properly register the utilities passing through the same, the consumer shall be charged the average charge of the previous three months' usage. If no record of the previous three months exists, then it shall be the duty of the Village Clerk to estimate the amount of utilities consumed during the time the meter fails to operate, and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather. (Former Code, § 38-2-4)

50.19 NO FREE SERVICE. No free service shall be furnished to any person or corporation, public or private, and all rates and charges shall be nondiscriminatory, provided that the Mayor and Village Board reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust. (Former Code, § 38-2-5)

50.20 UTILITY DEPOSITS; RENTERS. When any application is made for utility services in accordance with the provisions of this chapter, all applicants of rented or leased property for which the service is requested shall deposit with the application the applicable amounts enumerated in the following paragraphs:

(A) **Residential.** The following deposits shall be made for residential service:

Inside Village

Water: \$25
Sewer: \$25
Electric: \$100

Outside Village

Water: \$40
Sewer: \$40
Electric: \$100

(B) **Commercial and Industrial.** The following deposits shall be made for commercial and industrial services:

Inside Village

Water: \$50
Sewer: \$50
Electric: \$200

Outside Village

Water: \$80
Sewer: \$80
Electric: \$200

(C) **Security for Payment; No Interest.** The deposits made under the provisions of this chapter shall be held by the village as security for the payment of utility services used by the applicant upon the premises to which his or her application pertains and may be so applied when any default is made in the payment in the utilities bill in accordance with this chapter. The depositor shall earn no interest.

(D) **Meter Ownership.** All utility meters shall remain the property of the Village of Freeburg, Illinois after termination of service. (Former Code, § 38-2-6)

§ 50.21 UTILITY DEPOSITS; OWNERS.

When any application is made for utility services in accordance with the provisions of this chapter, all applicants, who are owners of the property for which the service is requested, shall deposit with the application the following amounts depending upon the type of service:

(A) Residential.

Inside Village

Water: \$15
 Sewer: \$15
 Electric: \$20

Outside Village

Water: \$30
 Sewer: \$30
 Electric: \$40

(B) Commercial and industrial.

Water: \$30

Sewer: \$30

(Former Code, § 38-2-7)

Water: \$60

Sewer: \$60

§ 50.22 PERMITS REQUIRED.

Utility services shall not be turned on until the applicant or customer has obtained a valid building and zoning occupancy permit issued by the village or the county.

(Former Code, § 38-2-8)

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 **April 15, 2009**.

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

DATE: March 3, 2009

SIGNED: *Frank X. Heiligenstein*

This resolution is accepted and approved this _____ day of _____,
20____.

SIGNED:

MAYOR _____

VILLAGE CLERK _____

(SEAL)

deposit(s). In no case shall the application an individual, business, or other entity with outstanding past due debts or obligations to the city be approved until all past due obligations have been settled and paid in full.

The owner(s) of rental units which are metered but where electric service is not in renter/occupants names shall convert such meters to occupant names within one year of the adoption of this Code.

The procedure for collection of delinquent electrical bills shall be as follows:

- (a) *Bills.* Charges for electrical service shall be payable monthly. The occupant of the premises whose name appears on the application shall be liable to pay for service to such premises. A penalty of ten percent shall be added to all bills not paid by the due date indicated on said bill.
- (b) *Delinquent bills.* If the charges for such services are not paid within 15 days beyond the original due date of the bill for such services, electrical services shall be discontinued without further notice and shall not be reinstated until all claims are settled. A \$25.00 fee shall be paid prior to reconnection during regular business hours. After business hours, the reconnection fee shall be \$75.00 and must be paid prior to reconnection.
- (c) *Lien notice of delinquency.* Whenever a bill for electrical service remains unpaid for 60 days beyond the original due date, the city treasurer shall file with the county recorder of deeds a statement of lien claims when the occupant is also the owner of the premises.

This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the city claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

If the occupant whose bill is unpaid is not the owner of the premises the city shall apply all, or an appropriate portion, of the utility deposit to the unpaid bill. Should application of the utility deposit to the unpaid bill result in a balance due to the customer the city shall mail a check for the remaining utility deposit to the last known address of the customer. Should the utility deposit not be sufficient to pay the unpaid bill, the city shall apply the utility deposit toward the bill and shall seek judgment against the occupant for the remaining balance and associated legal costs.

The failure of the city to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

- (d) *Foreclosure of lien.* Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill in equity in the name of the city. The city attorney is hereby authorized and directed to institute such proceedings in the name of the city in any court having jurisdiction over such matters against any property for which the bill has remained unpaid 60 days beyond the original due date.

(Ord. No. 03-118, 11-03-03; Ord. No. 06-08, § 1, 5-22-06)