

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

May 28, 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, June 2, 2010, at 4:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

- A. Old Business
 - 1. Approval of May 5, 2010 Minutes
 - 2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code/Building Code application
 - 3. Status of Public Hazard Homes
 - 4. TIF Litigation
 - 5. New class of business license
 - 6. Compensation of Officials
 - 7. Residency requirement ordinance
 - 8. Unionization
- B. New Business
 - 1. Farmer's Market
- 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)
(Speiser/Baker/Mattern)
Wednesday, June 2, 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, June 2, 2010, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of May 5, 2010 Minutes: Trustee Rita Baker motioned to approve the May 5, 2010 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: Included in the packet was the ordinance amending the zoning code for exterior material requirements on commercial buildings. The committee deleted the verbiage under #2 for allowable materials, "may not exceed fifty percent (50%).

Trustee Charlie Mattern motioned to send the proposed ordinance amending Title Xv, Chapter 155 of the Revised Code of the Village of Freeburg to the Plan Commission for a public hearing and Trustee Rita Baker seconded the motion. All voting aye, the motion carried.

Trustee Rita Baker motioned to recommend to the full Board the Ordinance Amending the Revised Code of the Village of Freeburg (Nuisance Abatement) be approved and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

Trustee Rita Baker motioned to recommend to the full Board the Resolution Establishing the Policy Regarding Requirements for Alterations, Repairs or Changes in use of Commercial Structures be approved and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

3. Status of Public Hazard Homes: Nothing new.

4. TIF litigation: Attorney Wigginton will be at the June 7, 2010 board meeting to discuss the agreement.

Legal and Ordinance Committee Meeting
Wednesday, June 2, 2010
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5. New class of business license: The committee decided to ask IML if we can mandate a business to report sales tax to us. They also discussed raising the business license fee from \$10.00 to \$25.00 with a \$10 late fee. Julie will check with other municipalities to see if they require a business license, how much they charge and how they treat a temporary business.

6. Compensation of Officials: Julie will have Dennis prepare an ordinance for next month's meeting.

7. Residency requirement ordinance: The revised ordinance will be included in the June 7th board packet.

8. Unionization: This is being kept on the agenda for informational purposes.

B. NEW BUSINESS:

1. Farmer's Market: Julie explained the Healthy Nut would like to have a farmer's market during the summer months and the committee was fine with the request.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 4:47 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)
(Speiser/Baker/Mattern)
Wednesday, May 5, 2010 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:33 p.m. by Chairman Seth Speiser on Wednesday, May 5, 2010, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of April 6, 2010 Minutes: Trustee Rita Baker motioned to approve the April 6, 2010 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: Seth said the Economic Development Committee agreed with adopting the proposed nuisance abatement code and also requiring permits on commercial upgrades. The Economic Development Committee felt only the side of the building facing the street should be full masonry. This committee agreed and an ordinance will be written to require full masonry on any side that faces the street or side street in the B-1, B-2 and I-1 districts.

3. Status of Public Hazard Homes: Nothing new.

4. TIF litigation: Nothing new.

5. New class of business license: The committee decided to ask IML if we can mandate a business to report sales tax to us. They also discussed raising the business license fee from \$10.00 to \$25.00 with a \$10 late fee. Julie will check with other municipalities to see if they require a business license, how much they charge and how they treat a temporary business.

6. Compensation of Officials: Seth said this was taken care of at the board meeting on Monday night. It was agreed that the officials will receive compensation for meetings attended. Julie will advise Dennis and have him prepare an ordinance for next month's meeting.

B. NEW BUSINESS: None.

C. **GENERAL CONCERNS:** Trustee Mattern was curious to know if anyone else had more information on the public works employees wanting to unionize and both Rita

Legal and Ordinance Committee Meeting

Wednesday, May 5, 2010

Page 1 of 2

and Seth said no. Seth said Smithton public works employees tried to unionize but were unsuccessful. Julie will check to see if the police are automatically in a union or not.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 4:56 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV, CHAPTER 155 OF THE REVISED
CODE OF THE VILLAGE OF FREEBURG, ST. CLAIR
COUNTY, ILLINOIS (Zoning Code)

WHEREAS, the Plan Commission of the Village of Freeburg did, on the ___th day of _____ 2010, hold and conduct a public hearing pursuant to notice in accordance with Section 155.407 of the Revised Code of Ordinances of The Village of Freeburg, and pursuant to statute, to discuss a proposed amendment of Title XV, Chapter 155 of the Revised Code of Ordinances of The Village of Freeburg adding Section 155.311 Exterior Building Material and Design: Business, Commercial and Industrial Districts; and

WHEREAS, at said hearing, the Plan Commission voted to recommend approval of the proposed amendment to the Village Board of The Village of Freeburg.

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

TITLE XV, CHAPTER 155, Section 155.311 Exterior Building Material and Design: Business, Commercial and Industrial Districts is hereby added and shall read as follows:

**155.311 EXTERIOR BUILDING MATERIAL AND DESIGN:
BUSINESS, COMMERCIAL AND INDUSTRIAL DISTRICTS.**

Any building, as defined in the Building Code, which is located in a B-2 Highway Business, B-1 Community Business, or I-1 Light Industrial District shall have exterior finished walls and architectural design in accordance with the requirements of this Section.

(A) Construction Materials and Exterior.

1. All exterior walls facing adjacent streets shall consist of masonry materials (brick, natural clay, natural stone and architectural concrete units, excluding smooth-faced block except when used as an accent) on their exterior face. All concrete masonry units shall be integrally colored.
2. Other materials allowed include synthetic or cast stone, glass (may not exceed **fifty percent (50%)** of any façade

area) metal for detailing, copper slate and Exterior Insulation and Finishing Systems (EIFS).

- 3. Other materials may be allowed upon review by the Zoning Administrator.
- 4. Visible exterior construction materials specifically not allowed are: Plaster stucco; Synthetic materials (i.e., vinyl siding, vinyl wrapped details, vinyl gutters and downspouts); Plastics; Corrugated metal and steel or aluminum siding; Unfinished concrete; Wood shingles; Rough sawn or treated lumber.

Exceptions:

- 1. Accessory buildings if otherwise permitted by Ordinance and approved by the Zoning Administrator;
- 2. Buildings specifically exempt from such requirement under provisions of a variance as granted by the Zoning Board of Appeals;
- 3. Any buildings legally existing on or for which building permits have been legally issued prior to the effective date of this Ordinance, or any reconstruction thereof or any alterations and expansion thereof, if reviewed by the Plan Commission and approved by the Village Board.

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG, ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT THIS

_____ DAY OF _____, 2010.

AYES _____

NAYS _____

ABSENT _____

ABSTAIN _____

Jerry Menard, Village Clerk

Approved this _____ day of _____, 2010

Raymond S. Danford, Village President

ATTEST:

Jerry Menard, Village Clerk

Approval as to Legal Form:

Stephen R. Wigginton, Village Attorney

ORDINANCE NO. _____

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 _____ DAY OF _____, 2010.

AYES

NAYS

ABSENT

Jerry Menard, Village Clerk

APPROVED THIS _____ DAY OF _____, 2010

Raymond Danford, Village President

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

RESOLUTION NO. 10-03

A Resolution of the Board of Trustees of the Village of Freeburg, Illinois, Establishing the policy of the Village regarding permit requirements for alterations, repairs, or changes in use of commercial structures in the Village of Freeburg

WHEREAS, the Board of Trustees of the Village of Freeburg, Illinois, has previously determined that it is in the best interest of the Village, and in the interest of public health and safety of the citizens of Freeburg, to adopt Chapter 7, Building Regulations of the Revised Code of Ordinance of the County of St. Clair, Illinois as the Building Code of the Village of Freeburg, and;

WHEREAS, Effective July 1, 2007, a certain document, one copy of which is on file in the office of the Zoning Administrator of the Village of Freeburg, being designated as Chapter 7, Building Regulations of the Revised Code of Ordinance of the County of St. Clair, Illinois was adopted as the Building Code of the Village of Freeburg and;

WHEREAS, it has previously been the policy of the Village to not require building permits for remodeling, alterations, or repairs to commercial buildings unless such activities increased the size of the structure and the Board of Trustees of the Village of Freeburg, Illinois, has determined that it is in the best interest of the Village, and in the interest of public health and safety of the citizens of Freeburg to change that policy,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, ILLINOIS, THAT:

SECTION 1: The recitals set forth above hereby adopted are found to be true and correct and are incorporated by reference as if fully set forth herein.

SECTION 2: Henceforth, it shall be the policy of the Village of Freeburg to require permits for commercial construction in compliance with Section 105.1 of the International Building Code (2003) a copy of which is attached to and made a part hereof.

SECTION 3: All work activities listed in Section 105.2 of said code shall be exempt from permitting in Freeburg

SECTION 4: This Resolution shall be in full force and effect after its passage and approval as provided by law.

ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG,
ILLINOIS, THIS _____ DAY OF _____, 2010.

Vote Recorded:

AYES: _____

NAYS: _____

ABSENT: _____

Jerry Menard, Village Clerk

Raymond Danford, Village President

ATTEST:

Jerry Menard, Village Clerk

Approval as to Legal Form: _____
Stephen R. Wigginton, Village Attorney

be recorded and entered in the files of the department of building safety.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

SECTION 105 PERMITS

105.1 Required. 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.

105.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authori-

zation for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2, and Group U occupancies.
13. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system re-

quired for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 106.3.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.