

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Ray Matchett, Jr.
Steve Smith
Mike Blaies
Mathew Trout
Dean Pruett
Elizabeth Niebruegge

VILLAGE OF FREEBURG

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

VILLAGE ADMINISTRATOR
Tony Funderburg

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Stanley Donald

VILLAGE ATTORNEY
Weilmuenster Law Group, P.C

January 26, 2015

NOTICE

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

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, January 28, 2015, at 5:00 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of December 17, 2014 Minutes
2. Zoning Report/Nuisance Properties
3. Occupancy Permit Inspections
4. Park District Deed of Property for Pool
5. Koppeis Request to Lower Taxes

B. New Business

1. St. Clair County Update of Building and Property Maintenance Code
2. IL Codification Newsletter
3. K-9 Policy
4. Executive Session to Discuss Executive Session Minutes, 5 ILCS, 120/2-(c)(21)

C. General Concerns

D. Public Participation

E. Adjourn

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

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

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Trout/Matchett/Pruett)

Wednesday, December 17, 2014 at 5:00 p.m.

VILLAGE ADMINISTRATOR
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The meeting of the Legal and Ordinance Committee was called to order at 5:02 p.m. by Chairman Matt Trout on Wednesday, December 17, 2014, in the Freeburg Municipal Center. Members attending were Chairman Matt Trout, Trustee Ray Matchett, Trustee Dean Pruett (5:08 p.m.), Mayor Seth Speiser, Village Clerk Jerry Menard (absent), Trustee Elizabeth Niebruegge, Trustee Steve Smith, Trustee Mike Blaies (absent), Zoning Administrator Gary Henning, Public Works Director John Tolan, Village Administrator Tony Funderburg and Office Manager Julie Polson. Guest present: Janet Baechle.

A. OLD BUSINESS:

1. Approval of November 19, 2014 Minutes: Trustee Ray Matchett motioned to approve the November 19, 2014 minutes and Trustee Matt Trout seconded the motion. All voting yea, the motion carried.
2. Zoning Report/Nuisance Properties: Tony said we have not made any further progress with the old Ernst property. Gary said he has issued two more occupancy permits and one building permit since Monday's meeting. He is also working to have the old trailer at the intersection of Peabody Road and St. Rt. 15 removed. He hopes to have that taken care of shortly.
3. Occupancy permits inspections: No-one had anything new on this.
4. Time Limits on Donation Collection Requests: The proposed ordinance revision was provided to the committee. The committee agreed an organization can collect on two days for 4 hours each day. Julie will revise the ordinance.

Trustee Ray Matchett motioned to recommend Ordinance #1530 to the full Board for approval and Trustee Dean Pruett seconded the motion. All voting yea, the motion carried.

5. Park District Deed of Property for Pool: Tony advised the deed has been rewritten and the Park District's attorney has the paperwork and should present it at their next meeting.
6. Koppeis Request to Lower Taxes: Tony advised there were six representatives present at the Board of Review hearing. Attorney Manion attended and showed them the TIF agreements. The board valued the property at \$2,000,000 which will be more than we need to pay down the bonds. Tony said the tenants pay the property taxes and many of them are struggling. Tony said IMEA has a special rate for businesses that are having problems. John said the help from IMEA is normally for

Legal and Ordinance Committee Meeting
Wednesday, December 17, 2014

larger businesses. We will look into it to see if we can help any qualifying business under this program.

B. NEW BUSINESS: None.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: Janet Baechle asked if Mr. Koppeis owned the property where the TIF is now located.

E. ADJOURN: *Trustee Ray Matchett motioned to adjourn at 5:14 p.m. and Trustee Dean Pruett seconded the motion. All voting yea, the motion carried.*



Julie Polson
Office Manager



COUNTY OF ST. CLAIR
DEPARTMENT OF BUILDING & ZONING



PHONE (618) 825-2715
FAX (618) 277-0482

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BELLEVILLE, ILLINOIS 62220-1623
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DEC 16 2014

December 16, 2014

**Village of Caseyville
Village of Fayetteville
Village of Lenzburg
Village of Millstadt
Village of St Libory**

**Village of East Carondelet
Village of Freeburg
Village of Marissa
Village of New Athens**

RE: Updating Building and Property Maintenance Codes

Chief Community Officials:

The St Clair County Building and Zoning Department is currently in the process of updating Chapters 7 - *Building Regulations* and 29 - *Property Maintenance Code* of the St Clair County Code of Ordinances to reflect the adoption of the 2012 International Building Codes with modifications and the 2011 National Electrical Code with modifications. In the near future we will be notifying you of public hearings that will provide further information.

Additionally the Illinois State Plumbing Code has been amended and the current code is available on the Illinois Department of Public Health website at: <http://www.idph.state.il.us/envhealth/plumbing.htm#forms>.

For any questions or concerns, please call me at (618) 825-2530.

Sincerely,

Anne Markezich, Director
Building & Zoning Department

AM:da

ALBION
 ALHAMBRA
 ALORTON
 ALTAMONT
 ASHLAND (2)
 ASHLEY (2)
 AVON
 BALDWIN (3)
 BECKEMEYER (2)
 BELGIUM
 BELLEVILLE
 BENLD (2)
 BETHALTO
 BETHANY
 BREESE (2)
 BROWNSTOWN
 BUNCOMBE (2)
 BUNKER HILL (2)
 BUTLER (2)
 CARLINVILLE
 CARLYLE (2)
 CARROLLTON (2)
 CARTERVILLE (2)
 CHESTER (3)
 CHESTERFIELD
 COFFEEN (2)
 COLCHESTER
 COULTERVILLE (2)
 CREAL SPRINGS (2)
 DALTON CITY
 DAMIANSVILLE
 DAWSON (4)
 DE SOTO (2)
 DONNELSON
 DOWELL
 DUPO (2)
 DuQUOIN
 EDDYVILLE (2)
 ELKVILLE
 ELMWOOD
 ENERGY (2)
 EVANSVILLE (2)
 FAIRVIEW HEIGHTS
 FAYETTEVILLE (4)
 FISHER
 FOREST CITY (2)
 FREEBURG (2)
 GIBSON CITY (2)
 GIRARD
 GRAFTON
 GRANTFORK
 GREENFIELD (2)
 GRIGGSVILLE (2)
 HARTFORD (2)
 HECKER (3)
 HERRIN
 HILLSBORO (2)
 HOFFMAN
 ILLIOPOLIS (2)
 IRVING (3)
 JONESBORO (2)
 KEYSPORT (2)
 LAWRENCEVILLE (2)
 LIVINGSTON
 LOUISVILLE
 LOVINGTON
 MANSFIELD
 MARINE (2)
 MARISSA (2)
 MASON (2)
 MASON CITY (2)
 McLEANSBORO
 MECHANICSBURG (2)
 MOUNT STERLING
 MURPHYSBORO (2)
 NEW ATHENS (2)
 NEW BERLIN
 NEW DOUGLAS
 NEWMAN (2)
 NEWTON
 NOBLE
 NOKOMIS (2)
 NORRIS CITY
 OBLONG
 OKAWVILLE (4)
 PERCY (2)
 PITTSBURG
 PONTOON BEACH
 PRAIRIE du ROCHER (2)
 PULASKI (2)
 RED BUD
 ROODHOUSE (2)
 ROYALTON (2)
 SADORUS
 ST. JACOB (3)
 ST. JOHNS (2)
 ST. LIBORY (4)
 SANDOVAL (2)
 SAWYERVILLE
 SORENTO
 STAUNTON
 STEELEVILLE
 SULLIVAN
 SUMMERFIELD (2)
 TABLE GROVE
 TAMMS (2)
 TILDEN (2)
 TOVEY
 TRENTON
 VALMEYER (2)
 VIRDEN (2)
 WALTONVILLE
 WESTFIELD
 WEST CITY (2)
 WEST SALEM
 WESTVILLE (2)
 WHITE CITY (2)
 WILLISVILLE (2)
 WINCHESTER
 WOODLAWN
 WORDEN
 PLUS 145 OTHERS

Illinois Codification Services

ESTABLISHED IN 1970

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 Telephone: 618/539-5771 — Facsimile: 618-539-9890

MUNICIPAL & COUNTY NEWSLETTER

2015

NO. 1

Editor: Frank X. Heiligenstein

Overview

As we begin the New Year, all municipal and county officials should revisit their Revised Code of Ordinances if one exists. As an elected official it is imperative in today's "Freedom of Information" society that a compilation of local laws be organized in one document that is available on the website for residents to review. That document may be a County Code, a City Code, a Village Code or a Town Code!

However as we all approach the April 7th elections, such a Code would be a powerful learning tool for current and newly elected officials. If a Code is currently present in the County or City, the only activity that can be accomplished in the next few months is to supplement the Code with the ordinances that have been adopted since the last supplement. If the Municipal Code or County Code has not been supplemented for several (5) years then it may be time to update the document. An update involves someone reviewing the Code to determine what laws have not been adopted to reflect local, state and federal activities. Normally this responsibility falls to the Municipal or County Clerk unless there is an administrative staff.

Our company has been actively working with hundreds of cities and a few counties to provide a comprehensive code of ordinances. If your entity is interested, we would be happy to discuss such a project.

Recently we have delivered draft or final copies of municipal codes to Carterville, Hillsboro, Creal Springs, Bethalto, Benld, Freeburg, De Soto, Mason City, Mechanicsburg, Breesee, Carlyle, Mansfield and many supplements. It has been a very busy year.

Have a Happy New Year!

MISSION STATEMENT

The purpose of our business is to provide the best codification services possible by reviewing, editing, and publishing the most up-to-date municipal code possible.

LOCAL LAWS FROM OUR CLIENTS

Several times a year as time permits we publish recent laws from around the state from our clients. Naturally, prior to adopting any of these ordinances, the local officials should have the local attorney review the same.

No. 1 - Administration.

QUALIFICATIONS; ELECTIVE OFFICE.

(A) A person is not eligible for an elective municipal office unless that person is a qualified elector of the municipality and has resided in the municipality at least **one (1) year** next preceding the election or appointment except as provided by statute. **(65 ILCS 3.1-10-5(A))**

(B) A person is not eligible for an elective municipal office if that person is in arrears in the payment of a tax or other indebtedness due to the municipality or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony until completion of his or her sentence. **(65 ILCS 3.1-10-5 and 3.1-10-5(B))**

(C) If a person (i) is a resident of a municipality immediately prior to the active duty military service of that person or that person's spouse, (ii) resides anywhere outside of the municipality during that active duty military service, and (iii) immediately upon completion of that active duty military service is again a resident of the municipality, then the time during which the person resides outside the municipality during the active duty military service is deemed to be time during which the person is a resident of the municipality for purposes of determining the residency requirement under subsection (A). **(People v. Hofer, 363 Ill. App 3d 719 (5th District))**

BONDS OF VILLAGE OFFICERS.

(A) **Amount.** The minimum bonds of Village officers required under **Illinois Compiled Statutes, Chapter 65, Section 5/3.1-10-30** shall be executed in the following penal sums:

(1)	Mayor	\$50,000.00
(2)	Village Treasurer	50,000.00
(3)	Village Clerk	50,000.00
(4)	Police Chief	50,000.00
(5)	Village Collector	50,000.00
(6)	Village Administrator	50,000.00
(7)	Public Works Director	50,000.00

(B) **Premium Payment by Village.** The surety bonds required by law shall be paid by the Village. **(See 5 ILCS Sec. 270/1)**

(C) **Surety.** The Village Board shall not receive or approve any bond or security whereon the name of the Village Board, any one of the Board of Trustees or any elected or appointed officer of the Village appear as bondsman or security. If, by mistake, a bond containing the name of any such officer is approved by the Village Board or if any bondsman, after becoming such is elected or appointed to any Village office, this Section shall not act as a release of any such obligation incurred.

No. 2 – From Freeburg.

PROCEDURE FOR WRITTEN WARNINGS AND ADMINISTRATIVE CHARGES FOR CERTAIN OFFENSES.

(A) **Authority.** Notwithstanding any other provision in this code, any village police officer, village inspector, or code enforcement officer may, in lieu of filing of a complaint in court, issue to an alleged violator a written warning notice that is consistent with this section for any violation of this code.

(B) **Form of Notice.**

(1) The warning notice will state the specific section of this code that was violated and the location, date, and time of the violation.

(2) Such notice shall inform the alleged violator that he or she is liable for the payment of an administrative charge and if he or she does not dispute the administrative charge, he or she may avoid the filing of an ordinance violation complaint against him or her by making payment of the following amount within 30 days of the issuance of the warning notice:

- (a) Twenty five dollars for the first warning notice.
- (b) Fifty dollars for the second warning notice for the same offense committed a second time.
- (c) One hundred dollars for the third warning notice for the same offense committed a third of subsequent time.

(C) All administrative charges paid pursuant to the provisions of this chapter shall be duly documented by the Police Department or the village official receiving the same and such payment shall promptly be remitted to the Village Clerk to be credited to the appropriate municipal fund. Upon receipt of the administrative fees (and receipt of proof of compliance or abatement where applicable), the Village Attorney shall be notified and the village will not file any proceedings against the alleged violator for the violation of the ordinance in relation to the incident underlying the warning notice.

(D) In the event the administrative charge is not paid within the 30-day period, or the allegation is disputed, the Village Attorney may either withdraw the warning notice and file an ordinance violation complaint in Circuit Court in county against the alleged violator, or withdraw the warning notice and notify the alleged violator that no further action need be taken.

(E) Where the warning notice involved a failure to comply with vehicle identification or equipment requirement, or a nuisance violation, then in addition to a payment of the administrative charge, the alleged violator must also show proof of compliance (or abatement of the nuisance).

No. 3 – Animal Control.

KEEPING FARM ANIMALS.

(A) **Prohibitions.** The keeping of cattle, cows, horses, ponies, mules or donkeys, sheep, llamas, swine, goats, rabbits, chickens, ducks, geese or other fowl, or other farm animals or livestock within the City is hereby declared to be a nuisance and is prohibited except as provided herein.

(B) **Exceptions.**

- (1) This Section shall not apply in areas of the City that are zoned Agricultural nor shall this Section apply to livestock brought into the City for the purpose of processing at any appropriately licensed processing facility.
- (2) The keeping of rabbits, chickens, ducks and other domestic fowl shall be allowed within the City only in compliance with the following conditions:
 - (a) No person shall keep more than **ten (10)** total chickens, ducks or other domestic fowl, except, on any one parcel of real estate larger than **two and one-half (2.5) acres**, the limit shall be **thirty (30)** total; and
 - (b) No person shall keep more than **ten (10)** rabbits, excluding any rabbit less than **ninety (90) days** old; and
 - (c) All such rabbits or fowl shall be kept in an enclosure no part of which is within **seventy-five (75) feet** of any occupied dwelling, except any dwelling occupied by the owner of said rabbits or fowl; and
 - (d) No such animal or fowl shall be permitted to run at large at any time; and
 - (e) The keeping of roosters is prohibited; and
 - (f) All coops, enclosures, pens or areas in which rabbits or fowl are kept must be maintained in a sanitary manner without the accumulation of dirt, offal, waste or urine and kept in such a manner as to prevent any disagreeable odors, infestations of pests or any other unsanitary or unhealthy condition.

(C) **Powers of Police Chief.** The Police Chief shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to pose a health hazard to the general public.

No. 4 – Animal Control.

TETHERING DOG REGULATIONS. The following regulations shall be applicable to owners and guardians of dogs in their care to-wit:

(A) **Animal Welfare.** A dog that is outside for **one (1) hour** or more, whether fenced, kenneled, or tethered shall have proper food, water, and shelter. Owners and guardians shall be responsible for the welfare of their pets in severe heat, cold, rain, snow, ice, and wind.

(B) No dog shall be tethered within **fifty (50) feet** of a school, daycare, or school bus stop.

(C) No dog shall be tethered on any public easement, or public access to private property.

(D) No dog shall be tethered on private property within **ten (10) feet** of public or neighboring property.

(E) No dog shall be tethered on land without a dwelling or a vacant dwelling.

(F) No dog shall be left inside a vacant dwelling.

(G) No more than **two (2) dogs** may be tethered on one residential property.

(H) No more than **one (1) dog** shall be attached to a tether.

(I) A properly constructed fence, of a height and strength, that prevents the dog from jumping, climbing, or digging out, and running at large, is acceptable containment.

(J) A properly constructed kennel, of a height and strength, that prevents the dog from jumping, climbing, or digging out, and running at large, is acceptable containment if the following conditions are met. The dimensions of the kennel shall be dictated by the size of the dog. The kennel shall have a doghouse large enough for the dog to stand and turn around, with roof, four sides, and solid floor **three (3) inches** above the ground. The acceptable kennel size is **one hundred twenty-five (125) square feet** per dog of under **fifty (50) pounds**.

(K) Tethering shall not be used as permanent means of containment for any companion pet.

(L) Tethering shall be acceptable under the following conditions:

(1) Trolley or pulley types of tethering systems are recommended.

(2) Fixed point tethers shall be acceptable upon inspection and approval by Animal Control.

(3) All tethers will be a minimum of **fifteen (15) feet** in length and no more than **one-eighth (1/8)** the dog's weight.

(4) The tether shall have a swivel mechanism on both ends and attached to a properly fitting, non-metal, buckle type collar or a harness.

(5) No pinch or choke collars shall be allowed.

(6) No tether shall be directly attached to the dog.

(M) No dog shall be tethered longer than **ten (10) continuous hours** or **twelve (12) hours** in any **twenty-four (24) hour** period.

(N) Owners shall be responsible to maintain a clean and healthy environment on their property and provide medical treatment when needed.

ANIMAL FEED PROHIBITED. It shall be unlawful for anyone to place or distribute any animal feed on public property, public easements and accesses to public property. It shall be unlawful for anyone to place or distribute animal feed on vacant lots or in unoccupied structures in the County.

VARIANCES. Any person seeking a variance from the regulations in this Section shall complete an application at the applicable Administrative Office of the City or County. The variance shall be reviewed by the corporate authorities for approval or disapproval.

No. 5 – Law on Village Administrator (From Freeburg).

1-2-98 **POSITION CREATED.** There is created the position of Village Administrator.

1-2-99 **APPOINTMENT AND APPROVAL.** The Village Administrator shall be appointed by the Mayor, said appointment being subject to confirmation by the Board of Trustees.

1-2-100 **TERM OF OFFICE.** The Village Administrator shall serve at the pleasure of the Mayor and the Board of Trustees.

1-2-101 **CRITERIA FOR OFFICE.** The Village Administrator shall be appointed on the basis of education and professional ability. The appointment shall be made without regard to political considerations, race, religion, age, or sex. The successful candidate need not be a resident of the village at the time of appointment, but shall become a resident of the village within 180 days of assuming office, unless the residency requirement is waived by the Board of Trustees.

1-2-102 **DUTIES OF ADMINISTRATOR.** The Village Administrator shall:

- (A) Coordinate the activities of the various departments of the village.
- (B) Oversee the day-to-day activities of each department through the appropriate department head.
- (C) Prepare the agenda for regular meetings of the Board of Trustees.
- (D) Keep the Village President and Board of Trustees informed of the activities of the various departments.
- (E) Keep the Village President and Board of Trustees informed of the fiscal condition of each of the village's funds. Responsible for preparing the annual budget.
- (F) Act as purchasing agent for the village within limitations and under conditions as established from time-to-time by the Board of Trustees.
- (G) Recommend personnel actions to the Village President and Board of Trustees, including original appointment, salary and wage adjustments, promotions, demotions, lay-offs, suspensions, discharges, and other disciplinary actions.
- (H) Attend and participate in all meetings of the Board of Trustees, unless excused from attending. Participation does not include the right to vote.
- (I) Effectively and efficiently administer the policies adopted by the Board of Trustees.
- (J) Recommend various courses of actions to the Board of Trustees along with possible alternatives.
- (K) Promote good relations with other governmental agencies and the public.
- (L) Coordinate the enforcement of ordinances and the codes of the Village of Freeburg.
- (M) Perform such other duties which may be required of him or her from time-to-time by the Village President and Board of Trustees.

(Former Code, § 1-2-109)

1-2-103 **SALARY.** The salary of the Village Administrator shall be as determined by the Board of Trustees from time to time.

1-2-104 **RESERVED.**

No. 6 – Is your Municipal Clerk complying with this State requirement? From Freeburg.

YEAR-END REPORT. Within **six (6) months** after the end of each fiscal year, the Treasurer shall prepare and file annually with the Village Clerk an account of monies received and expenditures incurred during the preceding fiscal year as specified in this Section. The Treasurer shall show the following in such account:

(A) All monies received by the Village, indicating the total amounts in the aggregate received in each account of the Village, with a general statement concerning the source of such receipts; provided, however, for the purposes of this paragraph, the term **“account”** shall not be construed to mean each individual taxpayer, householder, licensee, utility user, or such other persons whose payments to the Village are credited to the general account; and

(B) **Except as provided in paragraph (C) of this Section all monies paid out by the Village where the total amount paid during the fiscal year exceeds Two Thousand Five Hundred Dollars (\$2,500.00), giving the name of each person to whom paid, on what account paid, and the total amount in the aggregate paid to each person from each account; and**

(C) All monies paid out by the Village as compensation for personal services, giving the name of each person to whom paid, on what account paid, and the total amount in the aggregate paid to each person from each account; and

(D) A summary statement of operations for all funds and account groups of the Village as excerpted from the annual financial report, as filed with the appropriate state agency of the State of Illinois.

Upon receipt of such account from the Village Treasurer, the Village Clerk shall publish the account at least once in one or more newspapers published in the Village. **(See 65 ILCS Sec. 5/3.1-35-65)**

[NOTE: The Treasurer shall file a copy of the report with the County Treasurer as provided in Sec. 5/3.1-35-70 of Chapter 65 of the Illinois Compiled Statutes.]

No. 7 – Basketball goals in subdivisions.

27-2-18 GAMES IN STREET. No person shall, on any Village street, play any organized games or participate in other activities which may impede the free flow of traffic and/or place the participants in such activities at undue risk of harm due to the presence of motor vehicles except that such activities are permitted on dead-end streets or cul-de-sacs, and street stubs, provided the following restrictions are observed:

(A) In street play is restricted to the area within **one hundred (100) feet** of the end of the cul-de-sac or dead-end street.

(B) In street play is prohibited within **one hundred (100) feet** of any intersection.

(C) In street play times are limited to the hours between **7:00 a.m.** and sunset.

(D) Children must be directly supervised by an adult parent, guardian or their designee.

(E) Sports and other recreation equipment may not be permanently installed in the public right-of-way and portable equipment must be removed from the right-of-way when not in use.

Regardless of compliance with the above restrictions, in-street play may not impede traffic or interfere with Village maintenance activities and participants shall clear the right-of-way if so directed by law enforcement authorities.

No. 8 – Ordinances and Resolutions.

Method of Voting. In the voting on all ordinances and on all resolutions or motions creating liabilities or for expenditures, the yeas and nays of each member must be taken and recorded in the minutes of the council. The ordinance will be void if the yeas and nays are not recorded in the minutes or in some other official manner. In addition, the official copy of the ordinance itself should list the names of all persons voting and how they voted. Many ordinances, particularly appropriation ordinances, have been declared invalid upon objection because the yeas and nays were not taken or the clerk failed to record specifically the names of those voting yea and those voting nay. The council may not conduct any votes by secret sealed ballot even if the process is conducted at a public meeting.

Voting Requirements. Section 3.1-40-40 of the Municipal Code requires that all ordinances, for whatever purpose, and all resolutions or motions: (1) to create any liability against the city, or (2) for the expenditure or appropriation of its money shall require the concurrence of a majority of all members then holding office, including the mayor. When the elected council consists of an odd number of aldermen, the vote of the majority of the aldermen shall be sufficient to pass an ordinance. The same requirements apply to a village. However, the requirements differ under the commission form in that the affirmative vote of at least three council members is necessary – unless a greater number is required by statute. For a five-member public body, like the legislative body in a commission form municipality or a five-member committee, three members constitute a quorum, but the affirmative vote of at least three members is required to adopt any motion, resolution or ordinance, unless a greater number is required.

Recording of Ordinances. The statutes also provide that the clerk shall record in an ordinance book, used exclusively for that purpose, all ordinances passed by the corporate authorities. Immediately following each ordinance, the clerk should make a memorandum of the date of passage and, when required, of the publication in a newspaper or in book or pamphlet form by the authority of the corporate authorities, or by posting. Proof of posting should be filed with the clerk in the form of an affidavit by whoever did the posting and should be placed in the official ordinance book with the ordinance. Proof of newspaper publication of an ordinance is furnished to the clerk by the newspaper publisher in the form of a copy of the official publication attached to a notarized certificate or affidavit of publication on a specified date. This proof and affidavit should be attached and included in the official ordinance book along with the signed copy of the ordinance.

In addition to the foregoing, clerks of commission form municipalities should note in the ordinance book the date ordinances were placed on file for public inspection whenever such action is required.

The statutes generally do not require the recording of ordinances with county officials. Some exceptions to this rule are tax levy ordinances, ordinances annexing property and ordinances establishing special service areas. Some municipal contracts, like subdivision improvement recapture fee agreements, must be recorded to be valid. Some communities record their ordinances simply so that there is some permanent record in addition to the one kept at the municipal building. A combination of good record-keeping and microfilming or computer memory storage should save the community substantial recording fees.

THE CODIFICATION PROCESS

A. Process for Substantive Content:

1. We begin with the most recently adopted Code of Ordinances as our starting point. Sometimes this Code dates from the 1800's!
2. All ordinances adopted subsequent to the adoption of that Code are collected and reviewed. Photocopies are made of the necessary ordinances.
3. If the original laws are not in chronological order, we will organize those ordinances in a legal binder for future reference.
4. A complete topical list of ordinances will be prepared to determine how many laws are missing.
5. Copies of the supplemental ordinances and the original chapters of the Code will be assorted into possible 40 subject categories.
6. In effect, a determination is made as to what is the current law in the municipality based upon a chronological review of each subject category, and/or what has been repealed.
(The tax levy, appropriation, street vacation, plat, bond, and annexation ordinances are excluded.)
7. Draft chapters are prepared from the ordinances that are still effective. The information supplied by the Clerk is then compared to the existing law.
8. Along with the draft copy of the existing Code, suggestions and proposals will be submitted in a separate draft for the corporate officers to review.
9. An administrative letter will accompany the draft copy and the proposals to assist the local officials in their review.
10. Within four months after the draft copies are submitted, the corporate authorities [or their designated representative(s)] will submit their decisions concerning the draft copies in writing to us or at a conference to finalize the Code.
11. A final copy is prepared from the information supplied by local officials and forwarded to the corporate authorities for adoption.
12. If the final draft is adopted, the remaining copies under the contract will be printed and delivered.
13. We will retain the original copy on file for future reference and/or if additional copies are needed. We prefer not to sell the diskettes to any municipality because local officials fail to keep the Code supplemented.
14. Future supplements should be authorized on an annual basis.
15. All supplements will feature the following:
 - a. Cumulative list of ordinances.
 - b. Paragraphs will have the ordinance number and the date adopted.
 - c. Pages contain footnote with the date of insertion.
 - d. Delivery will be completed in two or three weeks.
16. CD-Rom available with entire Code thereon.

B. Mechanical Components:

1. Printing on 24 lb. paper.
2. Chapters in alphabetical order.
3. Chapter numbering allows insertion of additional chapters.
4. Chapters and pages reserved for future expansion.
5. Table of contents and/or index prepared, as requested.

Hillsboro City Code

PUBLIC SAFETY APPENDIX "A"

APPENDIX "A"

HILLSBORO POLICE DEPARTMENT

CANINE POLICY

1. POLICY.

It is the policy of the Hillsboro Police Department to provide K-9 teams to assist department officers and other departmental law enforcement agencies. Any agencies requesting assistance outside Montgomery County shall be approved by the Chief of Police.

2. DEFINITIONS.

- A. K-9 officer - an officer selected, appointed, trained and equipped to handle and train a department owned K-9 dog.
- B. K-9 dog a dog selected and trained for police work.
- C. K-9 team consists of a K-9 officer and a K-9 dog.

3. OBJECTIVES.

- A. To preserve human life.
- B. To apprehend criminal offenders.
- C. To track or search for criminal offenders and lost/injured persons.
- D. To provide a deterrence to unlawful acts.
- E. To search for evidence and drugs upon request.
- F. To promote public relations.

4. RESPONSIBILITY.

- A. K-9 officers may be required to respond to high risk situations such as searches, raids, tracking potentially dangerous subjects or other incidents or situations where the services of the K-9 team would be beneficial or appropriate. These duties do not preclude the officer from the job responsibilities of a Hillsboro Police officer.
- B. The primary mission of the K-9 team is to respond to the needs of the Hillsboro Police Department. K-9 service is also made available, upon request, to any law enforcement agency within the State of Illinois.
- C. The assigned canine officer will:
 - 1. Establish procedures to ensure compliance with training requirements and the maintenance of appropriate training records.
 - 2. Recommend and when authorized initiate measures to promote more effective utilization of K-9 resources.
 - 3. Conduct or oversee testing and evaluations of new equipment.
 - 4. Recommend purchases of K-9 equipment, uniforms, and supplies.
 - 5. Be responsible for maintaining files and records for purposeful documentation and future evaluation.
- D. The Chief of Police will:
 - 1. Actively support the canine training program and promote the effective utilization of resources.
 - 2. Determine priority of canine calls when a conflict occurs.

1. Identify type of service requested.
 2. Time expired since the incident occurred.
 3. Weather and ground conditions.
 4. Type of area and terrain.
 5. Any prior search by personnel or K-9 teams.
 6. Description of suspect or victim and health of that person.
 7. Situational knowledge or available witness information.
- B. The Chief of Police will be notified of call out requests.
- C. Upon termination of the incident a field report or K-9 activity report will be completed.

9. **UNIFORM FOR K-9.**

- A. K-9 officers will not be required to wear regular departmental uniform apparel.
- B. Only K-9 officers will wear K-9 uniforms or any part thereof and then only during training, call-outs, K-9 assignments or when authorized by the Chief of Police.

10. **SCHOOL SEARCHES.**

- A. Requests by local school districts for drug searches and seizures will only be authorized when:
1. The request is directed to the Chief of Police in writing and signed by the Chief School Administrator.
 2. The purpose of the search is directed toward maintaining a safe and secure school environment.
 3. The specific facts substantiate an actual drug problem and not merely suspicion of a problem, however a reasonable suspicion could substantiate a search.
 4. The school officials will take either administrative or criminal action against those determined to be in possession of illegal drugs or contraband.
- B. Administrative searches will be restricted to school premises. Body searches will not be performed on students or faculty members. The K-9 officers will mark lockers and identify areas where the K-9 dog makes an indication. The K-9 officers will not open lockers, search areas or make arrests. Any further action is to be taken by school officials only.
- C. When conducting a criminal search, the K-9 officer will notify the State's Attorney prior to the search. The K-9 officer will mark or identify the lockers or areas where the K-9 dog made an indication and secure a written consent to search or a search warrant before proceeding further.

11. **ANIMAL OWNERSHIP.**

- A. All dogs accepted for training and use by the K-9 section are the sole property of the City of Hillsboro. Proper care and maintenance of the dog is a responsibility of the assigned officer.
- B. The K-9 will not be used for purposes outside the official duties. Any performance, special societies, stud services, dog shows, etc. will not be allowed unless with written permission of the Chief of Police.
- C. The department will transfer ownership of the dog to the last assigned officer if it becomes necessary to retire the dog from active duty. This will be at the own expense of the officer. Should the last assigned officer decline the dog, the Chief of Police will make other arrangements for the disposition of the animal.

12. **CONTROL OF TRAINING AIDS.**

- A. When drug training aids are used, the K-9 officer must not leave the immediate areas in which training aids are placed, until the exercise is over and all drug training aids have been retrieved.

- B. Unauthorized persons are not allowed to handle drug training aids.
- C. Drug training aids will not be placed in areas where people are present unless constant vigilance can be maintained.
- D. Drug training aids will not be placed in items of personal property which would permit a person unknowingly remove the aids from the training area.
- E. Strict physical security and control procedures must be adhered to prevent misuse or theft of controlled substances and cannabis used as training aids. All canine personnel using drug training aids will comply with the following minimum security and control requirements:
 - 1. The area used to store drug training aids must provide a high degree of protection against theft.
 - 2. Drug training aids will be secured in the K-9 officers assigned squad.
 - 3. Different types of training aids must be kept in separate air tight containers to prevent contamination.
 - 4. Drug storage containers will only be accessible to K-9 officers.
 - 5. Storage containers will only be opened to issue inventory, repackage, return drug training aids, perform other authorized functions. The storage containers will be secured at all other times.

