

**MINUTES OF THE VILLAGE OF JOHNSBURG  
MAY 12, 2014 REGULAR MEETING  
OF THE ORDINANCE COMMITTEE**

**CALL TO ORDER** – Committee Chairman Janusz called the meeting to order at 7:00 PM in the Village Hall.

**MEMBERS PRESENT**

Jim Eichhorn  
William Gebis  
George Kessler  
Tadd Spiewak  
Tom Vicek  
William Westfall

**APPROVAL OF MINUTES** – Motion by Committee Member Gebis to accept the April 14, 2014 minutes. Seconded by Committee Member Kessler. All Committee Members present voted aye. Motion carried.

**CHAIRMAN’S REPORT** – Chairman Janusz reported on the Village Board meeting updating the committee on the Garrelts proposed conditional use for a used car dealership, voluntary vehicle stickers, and the proposed boat launch on Old Bay Road.

**OLD BUSINESS:**

Committee Member Gebis brought to the attention of the Committee that increasing the fee for Chapter 43.20 Possession of Tobacco Products, as previously discussed, from a Class A to a Class B doesn’t make sense regarding the fees because the second offence is also a Class B. The only difference being the additional hours of community service. After discussing it with Chief Von Allmen it was decided to move the fee back to a Class A, have the second offence a Class B with 25 hours of community service and any offence after, a Class C with 40 hours community service.

Motion made by Committee Member Gebis to recommend the proposed change to 43.20 Possession of Tobacco Products to reflect back to a Class A with 20 hours of community service, the second offence a Class B with 25 hours of community service and any offence thereafter, a Class C with 40 hours community service. Seconded by Committee Member Kessler. All Committee Members presented voted aye. Motion Carried.

Committee Member Gebis mentioned the wording in Chapter 43.31 B (8) Retail Theft “exceeds \$300” is not clear. The Committee decided to table the matter until the next meeting.

Committee Member Gebis reported the wording in Chapter 43.31 E Retail Theft, detaining off premises, should be written as “detaining off the premises of, while

continuing pursuit”. Committee Member Kessler would like for the sentence to be removed. The Committee decided to table the matter for next meeting.

Committee Member Gebis pointed out a discrepancy between Chapter 43.22 Graffiti under Section D which states graffiti is to be removed after 14 days and Section F that states “within 30 days”. He stated that the number of days needs to be consistent.

Motion made by Committee Member Gebis to recommend that Chapter 43.26 A (5) Theft, be removed as it is duplicative to 43.32. Seconded by Committee Member Kessler. All Committee Members present voted aye. Motion Carried.

Chairman Janusz stated that he did not see e-cigarettes in the ordinance.

Motion made by Committee Member Gebis to add e-cigarettes into the entire section of 43.20. Seconded by Committee Member Kessler with the correction of the spelling of beedi. All Committee Member present voted aye. Motion Carried.

### **NEW BUSINESS:**

**CURFEW:** Chief Von Allmen advised the committee he would like to talk about curfew for daytime hours while children should be in school. Committee Member Westfall pointed out the McHenry has a truancy ordinance. Chief Von Allmen explained that since the Village of Johnsburg is not home rule, it cannot have a truancy ordinance but can have a daytime curfew.

Committee Member Kessler stated that the wording in 43.17 Curfew is inconsistent and ambiguous. He would like the hours to be more reflective of what constitutes a Friday night since most are not thinking of 12.01am being the next day. Chief Von Allmen stated the courts are not going to look at convenience but what’s legal. He explained that curfew can be moved back and stated that, in the past, the committee had discussed adjusting curfew being more restricting than the state statute but ran into home rule issues. Committee Member Kessler feels the curfew times should match driving hours. Chief VonAllmen explained that when the matter was last reviewed, it was not permitted but he would look into the matter to see if any changes have occurred since that time.

Chairman Janusz suggested the Village include an article listing the curfew hours in the upcoming Village newsletter and eblast.

**NEGLIGENT DRIVING:** Chief Von Allmen requested to table discussions regarding negligent driving regulations at this time.

**GOLF CARTS:** Committee Member Eichhorn inquired about the status of golf carts. Chief Von Allmen reported that the signs are in and Public Works will be installing them and an eblast regarding registration will be out shortly.

**DUMPSTERS:** Chairman Janusz discussed dumpsters and appropriate screening. Committee Member Kessler stated that the screening is more for aesthetics. Committee

Member Eichhorn reported there is unsightly garbage in the Boy Scouts recycling area by Angelo's Market.

The committee discussed the issue of enforcing compliance with businesses. They discussed having the CSO go to each business with a drawing of what the screening should look like as well as a copy of the ordinance. Committee Member Kessler would like to see what other Villages are doing. He also mentioned having the Building Inspector talk with the businesses, give them a time frame to comply and have the CSO visit if not in compliance.

Chairman Janusz mentioned that he would bring the Committee's ideas in front of the board to get their input. Committee Member Eichhorn stated that residential garbage is not being enforced. Chairman Janusz stated that he is seeing garbage trucks that are not covered resulting in garbage flying out of the truck.

Committee Member Eichhorn stated that he would like to make sure food handlers are licensed. Chairman Janusz explained that the health department monitors that activity.

Chairman Janusz asked the committee if they would like to continue meeting during summer months. The Committee agreed that they should meet.

**ADJOURNMENT** – Motion by Committee Member Kessler to adjourn. Seconded by Committee Member Gebis. All Committee Members present vote aye. Motion carried at 8:34 PM.

Respectfully Submitted,

Marikay Gebis