



## AGENDA

REGULAR MEETING OF THE LAWS AND ORDINANCES COMMITTEE TO BE HELD ON TUESDAY, JULY 2, 2019, AT 6:00 P.M. AT THE POLICE DEPARTMENT TRAINING ROOM, 7760 QUINCY STREET, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

**Mayor**

Frank A. Trilla

**Village Clerk**

Leroy R. Hansen

**Village Trustees**

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

**Village Administrator**

Brian Pabst

**Chief of Police**

Robert Schaller

**Director of Finance**

Carrie Dittman

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES – June 4, 2019 (Approve)
4. UPDATE – Proposed Amendment to Clarify Water Bill Payment Responsibility Section 6-8-5 Bills and 6-8-8 Nonpayment
5. UPDATE – July 17, 2019 Plan Commission Text Amendments
  - a) Amend Section 9-3-15, 9-12-2 and 9-14-24 (c) to Remove Outdated Information and Bring the Zoning Code into Compliance with State and Federal Laws for the Recently Enacted Small Wireless Facilities Deployment Act, 50 ILCS 840/1 *et seq.* The Amendments will also Clarify the Application of Certain Bulk Regulations to the Permitted Accessory Use of Amateur Radio Antennas in Residential Districts
  - b) Amend Section 9-9-7 (c) Regarding Performance Standards in the M-1 Light Manufacturing Zoning District
6. DISCUSSION – Proposed Text Amendments to Clarify the Definition for Building Height – Section 9 – Chapter 2 (Recommend Referral to Plan Commission for its Consideration)
7. DISCUSSION – Code Enhancement to Require Hazardous Materials Reporting and Operational Permits
8. DISCUSSION – Code Enhancement to Require Third Party Alarm Notification for Hazardous Chemicals
9. COMMITTEE REPORT
10. VISITOR'S BUSINESS  
(Public comment is limited to three minutes per person)
11. ADJOURNMENT



MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON TUESDAY, JUNE 4, 2019 AT 6:00PM AT THE WILLOWBROOK POLICE DEPARTMENT, 7760 QUINCY STREET, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

The meeting was called to order at the hour of 6:00 p.m. by Trustee Kelly.

2. ROLL CALL

Those present at roll call were Trustee Kelly, Trustee Davi. Also present were Interim Village Administrator Michael Mertens, Building Official Roy Giuntoli, Village Attorney Tom Bastion, Chris Drews from Tri-State Fire Protection District, Trustee Sue Berglund, and Trustee Mike Mistele.

3. APPROVAL OF MINUTES

Minutes - May 19, 2019 meeting (Approve)

Trustee Davi made a motion to approve the minutes of the May 19, 2019 Meeting, the motion was seconded by Trustee Kelly - motion carried. (Approved)

4. DISCUSSION-Proposed Comprehensive Amendments to Title 4 of the Village Code: Municipal Services

The Building Official advised that the version of the Title 4 Amendments in the committee packet this month was a cleaned-up version of the initial rough draft that was presented to this committee last month. Section 11 (Permit Fees) was omitted in this version because staff was continuing to work on it at this time. Staff was requesting that this committee approve this version for consideration by the village Board at the June 24, 2019 Board Meeting. It was noted that Chris Drews from Tri-State Fire Protection District sent documentation to the building official / department to add to the fire code amendments.

Trustee Davi made a motion to recommend the proposed changes to Title 4 of the Village Code: Municipal Services, the motioned was seconded by Trustee Kelly - motion carried (Approved).

5. DISCUSSION-Proposed Amendment to Clarify Water Bill Payment Responsibility Section 6-8-5 Bills and 6-8-8 Nonpayment

Interim Village Administrator Michael Mertens stated staff noted gaps in ordinances regarding billing responsibilities for water bills payments, specifically between an "owner" and a "renter". Code sections will be reviewed to clarify that the water bill is the ultimate responsibility of the "owner". Other sections to be reviewed to verify that staff and attorney time is properly accounting for costs for shut-offs, turn ons and liens. Lastly the code will be reviewed to verify a process is in place for an owner to petition a review of shut-offs. Per Attorney Tom Bastion there is a federal case that provides that an owner has a right to water and they should be afforded a hearing. Albeit one is not often requested, a hearing is offered to avoid litigation. A due process hearing can reveal various extenuating circumstance that would preclude the shut-off.

Trustee Davi made a motion to recommend the proposed changes to Title 4 of the Village Code: Municipal Services, the motion was seconded by Trustee Kelly - motion carried (Approved).

6. UPDATE-June 5, 2019 Plan Commission Text Amendments

- a) Amend Section 9-3-15, 9-12-2 and 9-14-24 (c) to Remove Outdated Information and Bring the Zoning Code into Compliance with State and Federal Laws for the Recently Enacted Small Wireless Facilities Deployment Act, 50 ILCS 840/1 et seq. The Amendments will also Clarify the Application of Certain Bulk Regulations to the Permitted Accessory Use of Amateur Radio Antennas in Residential Districts
- b) Amend Section 9-9-7 (c) Regarding Performance Standard in the M-1 Light Manufacturing Zoning District.

Interim Village Administrator Michael Mertens stated staff presented these topics at the previous Laws and Ordinances Committee meeting. They were referred to the Plan Commission for Public Hearing to be held on June 5, 2019. The Law and Ordinance packet included the staff report to be presented for the Plan Commission Public Hearing.

7. UPDATE-Senate Bill 1852 and Senate Bill 1854 (9:12 - 15:19)

Village Attorney Tom Bastion stated that Senator Curran and Leader Durkan worked tirelessly on these bills. Much back and forth between the House and the Senate, they passed both houses last week and are awaiting the Governor's signature.

SB 1852 and SB 1854 will be effective after the Governor signs them and become law immediately after the signature.

SB 1852 provides no Ethylene Oxide sterilization operations will be conducted unless the source captures 100% of emissions, is reduced by 99.9% or to .2 parts per million. Prior to testing owner operator must submit notification and test protocol to IEPA. Tests must be conducted by approved protocol approved by IEPA. Tests must include all three cycles of the operation. Within 30 days agency shall either accept, accept with conditions or decline. Tests must be conducted at all exhaust points. If tests fail to demonstrate emission reductions per approved specifications, operations must cease and the operator must notify the IEPA within 24 hours. Operations cannot restart until a 99.9% reduction is confirmed.

SB 1854 act details what the ambient monitoring plan must include. Owner operator of the Ethylene Oxide sterilization source must provide notice of acceptance of any conditions added by the IEPA to the plan and correct any deficiencies identified by the agency. Upon agency approval, the owner operator must implement the plan in accordance with the approved terms. The facility cannot operate until dispersion modeling is performed and IEPA approves the modeling. If the facility is subject to a seal order, they cannot re-open until the operator provides certification to IEPA by the supplier of the product to be sterilized that Ethylene Oxide sterilization is the only method available to do so. And that the agency certifies that the facility's emission control system uses technology that produces the greatest reduction in Ethylene Oxide emissions currently available. This certification must be made by a company representative with knowledge of the requirements of the product.

8. UPDATE- Home Rule 101 Power Point

Trustee Kelly stated that the Home Rule 101 Power Point is now available on the Village website. It provides a very good presentation of the basics of Home Rule; although, the language appears to be geared more towards attorneys, other people can learn from it.

9. VISITOR'S BUSINESS

Trustee Berglund spoke regarding SB 1852 asking if it addressed explosive possibilities. Tom Bastion responded this

was not addressed in the Bill and that staff was undertaking this matter in the Building Code.

Trustee Berglund requested the Laws and Ordinances Committee to look into creating an ordinance that would prohibit semi-tractor-trailer trucks and cabs from parking in residential areas whether or not they are "residents" of the area, etc. The current citation is \$25.00 and she believes it is too low to deter these types of vehicles from parking in residential areas. She would like to see a higher fine set at \$100.00 - \$125.00. Tom Bastion stated he would research the code and recommend an increase if possible. Building Official Roy Giuntoli stated that this was an issue in and around town in the past and that in commercial parking lots as well. This issue has increased as the driver will accept the \$25.00 fine over the more expensive parking options available to them. Tom Bastion stated that property owners will need to post "no parking" signage.

10. COMMUNICATIONS

None

11. ADJOURNMENT

Trustee Davi made a motion to adjourn, the motion was seconded by Trustee Kelly - motion carried (Approved). The meeting adjourned at 6:23 pm.

PRESENTED, READ and APPROVED

\_\_\_\_\_, 2019

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CHAIRMAN

Minutes transcribed by Building Official Roy Giuntoli

## LAW AND ORDINANCES COMMITTEE MEETING

### AGENDA ITEM SUMMARY SHEET

#### AGENDA ITEM DESCRIPTION

#### UPDATE – REVIEW CURRENT WATER BILLING CODE 6-8 FOR CLARIFICATION OF RENTER AND PROPERTY OWNER RESPONSIBILITIES

#### COMMITTEE REVIEW

- Finance/Administration
- Municipal Services
- Public Safety
- Law & Ordinances

Meeting Date:

July 2, 2019

<input checked="" type="checkbox"/> Discussion Only	<input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date)
<input type="checkbox"/> Seeking Feedback	<input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board)
<input type="checkbox"/> Regular Report	<input type="checkbox"/> Report/documents requested by Committee

#### BACKGROUND

At the June 4, 2019 Law and Ordinance Committee staff and Village attorney presented the current Village of Willowbrook code, 6-8, for billing requirements for disconnection, final billing, new and existing users, non-payment and lien process. Staff proposed that the Committee consider enhancements to sections 6-8-5, 6-8-6, 6-8-6.1, 6-8-8 and 6-8-11 to clarify that the property owner has the underlying responsibility for all water bills, regardless of any lease or renter private arrangement. Clarifications will help with the understanding of the code, the process and ensure that the Village receives full payment for services rendered. Additionally, there would be a review of shut-off fees, as well as lien fees, to ensure the Village is covering all applicable costs associated with this subject.

Lastly, the code will be reviewed to verify that a process is in place for an owner to petition a review of a shut-off. Attorney Tom Bastion advised the Committee of a federal case that provides that an owner has a right to water and they should be afforded a hearing. Albeit one is not often requested, a hearing is offered to avoid litigation. A due process hearing can reveal various extenuating circumstance that would preclude the shut-off.

The Committee directed staff and the Village Attorney to review the code and make recommendations for updates for formal consideration by the Village Board.

#### STAFF UPDATE

Staff recommended updating our code to better clarify the language and the process for water billing services and the Committee concurred. The proposed schedule is to have an updated ordinance presented to the Village Board for their consideration at the August 12, 2019 Board meeting.



**Village of Willowbrook**  
Staff Report to the Plan Commission

<b>Public Hearing Date:</b>	June 5, 2019
<b>Prepared By:</b>	Ann Choi, Planning Consultant
<b>Case Title:</b>	PC 19-04: Text Amendments to amend Sections 9-3-15, 9-12-2 and 9-12-4(C) of the Zoning Title of the Village of Willowbrook regarding regulation of telecommunications antennas and antenna support structures.
<b>Petitioner:</b>	Village of Willowbrook
<b>Action Requested by Applicant:</b>	Consideration and recommendation of text amendments to the Zoning Ordinance of the Village of Willowbrook.
<b>Code Sections to be by Amended or Added:</b>	Title 9 – Zoning Sections:  9-3-15            Antennas and Towers for Personal Wireless Services 9-12-2            Permitted Accessory Buildings, Structures and Uses 9-12-4(C)        Bulk Regulations
<b>Necessary Action by Plan Commission:</b>	Make a recommendation to the Mayor and Village Board regarding approval of the proposed text amendments.  A sample motion can be found on page 5.



## History & Discussion of Request

Village staff proposes text amendments to the Village Zoning Code to remove outdated information and to bring it into compliance with the recently enacted state laws. The proposed amendments to the Zoning Code will also clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.

Pursuant to the proposed text amendment, Section 9-3-15 of the Village Zoning Code will be amended to remove references to the Director of Municipal Services, a position which no longer exists within the Village. Section 9-3-15 will also be amended to acknowledge that certain provisions contained therein are preempted by the Small Wireless Facilities Deployment Act, 50 ILCS 840/1 et seq. recently adopted by the State of Illinois. The Small Wireless Facilities Deployment Act sets forth certain bulk standards for right-of-way construction of Small Wireless Antenna Facilities and permits the installation of such antennas within Commercial and Industrial districts. The Village of Willowbrook previously amended Title 4 of the Village Code to comply with the recent state law, and the proposed amendment to the Zoning Code will clarify the relevant code sections to proposed small wireless service providers. The remaining proposed amendments to Section 9-3-15 will clarify the application of the height, setback and aesthetic standards contained therein to amateur radio antennas and uses.

The proposed text amendment will revise Section 9-12-2 of the Zoning Code to remove outdated language regarding setbacks for amateur radio antennas. This is an administrative correction; as Section 9-12-2 of the Zoning Code had previously been preempted by the setback requirements of Section 9-3-15. The revised language will refer amateur radio users to the correct section of the Zoning Code. Likewise, Section 9-12-4 will be amended to clarify that the limitations on height of amateur radio antennas and support structures are governed by Section 9-3-15 and not by the 15' limitation imposed on other types of accessory uses.

### Amend Sections 9-3-15, 9-12-2 and 9-12-4(C) as follows:

Pursuant to the proposed text amendment, Sections 9-3-15, 9-12-2 and 9-12-4(C) of the Village Zoning Code will be amended to remove references to the Director of Municipal Services, a position which no longer exists within the Village. All instances of "Director of Municipal Services" will be replaced with "Village Administrator or his/her designee".

### Amend Section 9-3-15(A) as follows:

Add to the definition of PERSONAL WIRELESS SERVICES "amateur radio communications, including shortwave, HAM, or CB Radio services," before "and unlicensed wireless services (i.e., telecommunications services using duly authorized devices which do not require individual licenses, but not including direct to home satellite services)."

#### Existing text:

"PERSONAL WIRELESS SERVICES: Commercial mobile services, common carrier wireless exchange access services, and unlicensed wireless services (i.e., telecommunications services using duly authorized devices which do not require individual licenses, but not including direct to home satellite services)."

#### Proposed text:

"PERSONAL WIRELESS SERVICES: Commercial mobile services, common carrier wireless exchange access services, amateur radio communications, including shortwave, HAM, or CB Radio services, and unlicensed wireless services (i.e., telecommunications services using duly authorized devices which do not require individual licenses, but not including direct to home satellite services)."



**Amend Section 9-3-15(B) as follows:**

Add "to require location of towers and antennas a safe distance from adjacent property owners;" before "and to comply with the requirements of Federal Law".

**Existing text:**

"The purpose and intention of this section is to provide for the installation of antennas and towers for personal wireless services so as to: encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the Village; encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the Village is minimal; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and to comply with the requirements of Federal law."

**Proposed text:**

"The purpose and intention of this section is to provide for the installation of antennas and towers for personal wireless services so as to: encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the Village; encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the Village is minimal; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; **to require location of towers and antennas a safe distance from adjacent property owners;** and to comply with the requirements of Federal law."

**Amend Section 9-3-15(C) as follows:**

Add "Notwithstanding the foregoing, antennas and towers used for amateur radio communications, including shortwave, CB, or HAM radio transmitting and receiving, are hereby deemed permitted accessory structures and uses in rear yards of all residential districts as described in Section 9-12-2 of the Willowbrook Municipal Code." as the last paragraph of this section.

**Proposed text:**

Antennas and towers for personal wireless services, complying with the requirements of this section, may be installed on lots, except parks, in the following districts:

B-1	Neighborhood Shopping District
B-2	Community Shopping District
B-3	General Business District
B-4	Highway and Service Business District
L-O-P	Limited Office Professional District
O-R	Office and Research District
L-O-R	Limited Office and Research District
M-1	Light Manufacturing District



Further, antennas for personal wireless services, complying with the requirements of this section, may be installed on lots in the R-5 Residential District, or lots owned by the Village, a unit of local government, the State, or the Federal government, in any residential district.

Antennas and towers for personal wireless services may be installed on lots with different existing principal structures and/or uses. Such antennas and towers, complying with the requirements of this section, shall not be deemed to be either principal or accessory structures or uses, but shall be permitted additional structures. Such antennas and towers, including all associated electrical and mechanical equipment, shall, however, be included for purposes of determining maximum lot coverages for the lots upon which they are located.

**Notwithstanding the foregoing, antennas and towers used for amateur radio communications, including shortwave, CB, or HAM radio transmitting and receiving, are hereby deemed permitted accessory structures and uses in rear yards of all residential districts as described in Section 9-12-2 of the Willowbrook Municipal Code.**

**Amend Section 9-3-15(D)(2) as follows:**

Add "The provisions of this paragraph shall not apply to amateur radio devices, including shortwave, HAM or CB radio antenna facilities." as the last sentence of this paragraph.

Existing text:

"Each tower shall be of a monopole type (i.e., a cylindrical, tapering metal pole without guywires) and shall have a galvanized finish or be painted a neutral color so as to minimize visual obtrusiveness."

Proposed text:

"Each tower shall be of a monopole type (i.e., a cylindrical, tapering metal pole without guywires) and shall have a galvanized finish or be painted a neutral color so as to minimize visual obtrusiveness. **The provisions of this paragraph shall not apply to amateur radio devices, including shortwave, HAM or CB radio antenna facilities.**"

**Amend Section 9-3-15 as follows:**

Add "(G) To the extent that this section is in conflict with the Small Wireless Facilities Deployment Act, 50 ILCS 840/1 et seq. or the provisions of Section 4-6-3 of the Willowbrook Municipal Code, this section shall not apply to the deployment of small wireless facilities in Village Zoning Districts."

**Amend Section 9-12-2 as follows:**

Delete "Within 15' of lot line, not more than 2 antennae on any 1 structure" from the "Permitted Encroachment" column under the following "Permitted Use/Obstruction" category: "Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving and television, receiving".

Add "Subject to bulk and setback regulations set forth in Section 9-3-15 of this Title." under the "Permitted Encroachment" column in the following "Permitted Use/Obstruction" category: "Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving and television, receiving".

Delete "and television, receiving" from the section of the table referring to "Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving and television, receiving".

Add "Antenna, television, receiving" as its own category underneath same section of the table.



Existing text:

Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving and television, receiving	Within 15' of lot line, not more than 2 antennae on any 1 structure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Proposed text:

Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving	Subject to bulk and setback regulations set forth in Section 9-3-15 of this Title.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Antenna, television, receiving	Within 15' of lot line, not more than 2 antennae on any 1 structure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Amend Section 9-12-4(C) as follows:

Add "4. The height of antenna for use in shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving shall be regulated by Section 9-3-15 of this Title."

**Recommendation**

Staff supports the proposed text amendments. If the Plan Commission concurs, the following sample recommendation is offered for consideration.

**Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 1 to 5 of the Staff Report for PC Case Number 19-04 to amend Sections 9-3-15, 9-12-2 and 9-12-4(C) of the Zoning Title of the Village of Willowbrook. The proposed text amendments will remove outdated information, bring the zoning code into compliance with the recently enacted state laws, and clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.**

MINUTES OF THE REGULAR HEARING 19-01 MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, JUNE 5, 2019, AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS

1. CALL TO ORDER

Chairman Kopp called the meeting to order at the hour of 7:00pm

2. ROLL CALL

Those present at roll call were Commissioners Remkus, Soukup, Ruffalo, Kaucky, and Walec, Vice Chairman Wager, and Chairman Kopp.

Also present were Planning Consultant Ann Choi, Building Official Roy Giuntoli, and Recording Secretary Lisa Shemroske.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Regular Meeting April 3 ,2019

MOTION: Made by Commissioner Soukup seconded by Commissioner Ruffalo to approve the Omnibus Vote Agenda as presented.

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-03: Morgan Harbour Construction, LLC 7510 S. Madison Street, Willowbrook, Illinois. Petition requesting approval of a variation from Section 9-10-5(K) to reduce the number of required parking stalls from fifty-four (54) parking spaces to thirty -five (35) parking spaces to accommodate 10,645 square feet of office space and 7,902 square feet of warehouse space.

- A. PUBLIC HEARING Ended 7:26 pm
- B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes for Discussion and Recommendation

MOTION: The following motion made by Commissioner Walec was seconded by Commissioner Remkus and approved unanimous 7-0 roll call vote of the members present: Based on the submitted petition and testimony provided, I move that the Plan Commission approve and adopt the Standards for Variations outlined in the Staff Report prepared for PC 19-03 for the June 5, 2019 Plan Commission meeting; and that the Plan Commission recommend to the Village Board approval of a variation from Section 9-10-5(K) to reduce the off-street parking requirements for the property located at 7510 Madison Street as

outlined in the Staff Report dated for the June 4th, 2019 Plan Commission meeting and as deliberated by the Plan Commission, subject to the recommended “Conditions of Approval:” listed in the Staff Report prepared for PC 19-03 for the June 5, 2019 Plan Commission meeting, additional condition that signage will be installed with NO PARKING IN FIRE LANE every 75 feet.

ROLL CALL: AYES: Commissioners Remkus, Soukup, Ruffalo, Kaucky, Walec, and Vice Chairman Wagner and Chairman Kopp. NAYS: None. ABSENT: None. Public Hearing ended at 7:26pm.

**MOTION DECLARED CARRIED**

5. PLAN COMMISSION CONSIDERATION; Zoning Hearing Case 19-04: Petitions for a text amendment to amend Section 9-3-15, Section 9-12-2, and Section 9-12-4(C) of the Zoning Title of the Village of Willowbrook to remove outdated information and to bring the Zoning Code in compliance with the recently enacted State and Federal laws. The proposed amendments to the Zoning Code will also clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.

- A. PUBLIC HEARING Ended 7:55pm
- B. DISCUSSION /RECOMMENDATION

Court Reporters Minutes for Discussion and Recommendation

MOTION: The following motion made by Chairman Kopp to Continue this Public Hearing until the next meeting, the first Wednesday in July and second by Commissioner Remkus. All in favor 7-0.

**MOTION DECLARED CARRIED**

Village Attorney suggest we withdraw first motion since a date was not really given.

NEW MOTION: Chairman Kopp made motion to continue Public Hearing Case 19-04 to July 10<sup>th</sup> at 7pm second by Commissioner Remkus All in favor 7-0

6. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-05: Petition for a text amendment to amend Section 9-9-7 (c) of the Zoning Title of the Village of Willowbrook regarding performance standards in the M-1 Light Manufacturing Zoning District.

- A. PUBLIC HEARING Ended; 7:55
- B. DISCUSSIONS/RECOMMENDATION

Court Reporters Minutes for Discussion and Recommendation

MOTION: The following motion made by Chairman Kopp to continue Public Hearing Case 19-05 to the Juley 10 meeting at 7pm, seconded by Commissioner Walec and approved unanimous 7-0 roll call vote of the members present.

ROLL CALL: AYES: Commissioners Remkus, Soukup, Ruffalo, Kaucky, Walec, and Vice Chairman Wagner and Chairman Kopp. NAYS: None. ABSENT: None. Public Hearing ended at 7:55pm.

MOTION DECLARED CARRIED

7. VISTOR'S BUSINESS;

Resident ask about to get written information in front of the Commission that might informant the decision on these pending Hearing.

8. COMMUNICATIONS

Consultant Planner Choi informs the Committee that she will have two addition cases for the next meeting beside the two that are continuances from tonight's meeting.

Building Official Giuntoli reported on a Pulte update. Pete's Markets update on the Kingery IDOT road work that does not have a date as of today's and the stores on the outer lots at that location. ROC Storage and Compass Arena progress and issues. New Codes are in the works and should be finialed at the June 24,2019 Village Board meeting.

7. ADJOURNMENT

MOTION: Made by Commissioner Remkus, seconded by Commissioner Walec, to adjourn the meeting of the Plan Commission at the hour of 8:30 p.m.

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED,

July 10, 2019

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Chairman

Minutes transcribed by Building and Zoning Secretary Lisa J Shemroske

6/5/2019  
**VILLAGE OF WILLOWBROOK**

**P.C. 19 - 04**

MAUREEN K. NAGLE

BEFORE THE PLAN COMMISSION  
VILLAGE OF WILLOWBROOK, ILLINOIS

IN RE THE MATTER OF: )  
 )  
Amateur Radio Text ) No. 19-04  
Amendment. )

REPORT OF PROCEEDINGS had at the  
hearing of the above-entitled cause before the  
Plan Commission of the Village of Willowbrook, at the  
Village of Willowbrook Police Department, 7760 Quincy  
Street, Willowbrook, Illinois, on the 5th day of June,  
2019, at the hour of 7:22 p.m.

1 PRESENT:

2 MR. DANIEL KOPP, Chairperson;  
3 MR. JOHN WAGNER, Vice-Chairperson;  
4 MR. LEONARD KAUCKY, Commissioner;  
5 MR. WILLIAM REMKUS, Commissioner;  
6 MR. GREGORY RUFFOLO, Commissioner;  
7 MR. JAMES SOUKOP, Commissioner;  
8 MR. MIKE WALEC, Commissioner;  
9 MS. LISA SHEMROSKE, Building and Zoning Secretary.

10

11 ALSO PRESENT:

12 Mr. Roy Giuntoli, Village Building Inspector;  
13 Ms. Ann Choi, Village Planning Consultant;  
14 Mr. Brian Baugh, Storino, Ramello & Durkin;  
15 Dr. Ron Baran, Resident;  
16 Mr. Scott McDonald, Esq.

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1                   CHAIRMAN KOPP: The next item on the agenda  
2 is Zoning Hearing Case 19-04. The purpose of this  
3 public hearing is to consider a request by the Village  
4 of Willowbrook as Petitioner to amend Sections 9-3-15,  
5 9-12-2, and 9-12-4(C) of the Zoning Title of the  
6 Village of Willowbrook regarding regulation of  
7 telecommunications antennas and antenna support  
8 structures.

9                   The Applicant for this petition is the  
10 Village of Willowbrook. Notice of this public hearing  
11 was published in the May 18, 2019, edition of the  
12 Chicago Sun-Times newspaper.

13                  MS. CHOI: Thank you, Chairman Kopp. So  
14 village staff is proposing a text amendment to the  
15 Zoning Ordinance to remove outdated information and to  
16 bring the Zoning Code into compliance with recently  
17 enacted state and federal laws and to clarify the  
18 application of certain bulk standards to the permitted  
19 accessory use of amateur radio antennas in residential  
20 districts.

21                  On May 14, 2019, the proposed text  
22 amendments were presented at the Laws and Ordinances  
23 Committee composed of two Village Board trustees, the  
24 Village's building official, and the Village

1 administrator as well as two Village attorneys. This  
2 committee meets on the first Tuesday of each month?

3 MR. GIUNTOLI: Yes.

4 MS. CHOI: The proposed code language was  
5 drafted in response to a resident who wished to install  
6 a radio tower in his backyard. This type of building  
7 permit request has not come before the Village in more  
8 than 20 years; and because the Village had not dealt  
9 with this type of case in a long time, the Village was  
10 compelled to conduct an extensive review of the Zoning  
11 Ordinance with respect to how to handle this type of  
12 request. After reviewing the Ordinance, the Village  
13 discovered that the Ordinance had not been updated for  
14 quite some time and there had been changes to case law  
15 both at the federal and state levels and these changes  
16 had not been reflected in the Village's current antenna  
17 codes.

18 Small wireless facilities are now  
19 managed by the Small Wireless Facilities Deployment  
20 Act, and this act went into effect last year. It is a  
21 statute regarding small antenna systems and their  
22 deployment in municipalities, mostly in the  
23 rights-of-way; but the statute also has an impact on  
24 industrial and commercial areas.

1                   The proposed text amendments will  
2    revise Section 9-3-15 to modify the language with  
3    respect to the Director of Municipal Services, which is  
4    no longer a position within the Village of Willowbrook.  
5    This is a minor clerical change.

6                   The proposed text amendments will  
7    revise Section 9-12-2 of the Zoning Code to remove  
8    outdated language regarding setbacks for amateur radio  
9    antennas. This is an administrative correction and  
10   will refer amateur radio users to the correct section  
11   of the Code regarding setback requirements. This will  
12   ensure that the different sections of the Code  
13   involving amateur radio antennas interact correctly  
14   with each other.

15                  Lastly, Section 9-12-4 will be amended  
16    to clarify that the limitations on the heights of  
17    amateur radio antennas and support structures are  
18    governed by Section 9-3-15 and not by the 15-foot  
19    limitation imposed on other types of accessory uses.

20                  The proposed text amendments would not  
21    be changing the way the law of Willowbrook is applied.  
22    The bulk standards will remain the same. The Village  
23    of Willowbrook is merely proposing to clarify portions  
24    of the Code that were ambiguous and confusing.

1                   The proposed code language and text  
2 amendments are included in their entirety on Pages 2 to  
3 5 of the staff report.

4                   Staff has supported other proposed text  
5 amendments and suggests the Plan Commission recommend  
6 approval of the text amendment to the Village Board.  
7 If the Plan Commission concurs, a sample motion can  
8 also be found on Page 5 of the staff report.

9                   This concludes my report. I'm  
10 available for any questions.

11                  VICE-CHAIRMAN WAGNER: Would the -- would  
12 the proposed permit request still be allowed to --  
13 would it be able to be granted based on the changes you  
14 are proposing?

15                  MS. CHOI: Well, we haven't had an  
16 application for that yet.

17                  VICE-CHAIRMAN WAGNER: I thought you did.

18                  MS. CHOI: We were approached, but nothing  
19 has been -- no one has applied for anything yet.

20                  VICE-CHAIRMAN WAGNER: Okay.

21                  MS. CHOI: It would be difficult to assess  
22 that without a complete application or drawings.

23                  MR. GIUNTOLI: To clarify, we haven't had a  
24 complete application. We did get -- we did get partial

1 application, but it's not been completed. There is  
2 some missing information that we can't make an analysis  
3 on at this time whether or not it can be built as  
4 proposed.

5 CHAIRMAN KOPP: If I understand from what  
6 you are saying, we are not really changing the law, we  
7 are just correcting the law and, not only that, there  
8 is federal and state statutes that in some way dictate  
9 what work can be done?

10 MS. CHOI: That's correct.

11 MR. GIUNTOLI: Yeah.

12 CHAIRMAN KOPP: Any other questions?

13 (No response.)

14 CHAIRMAN KOPP: Anyone from the audience  
15 like to speak to this matter?

16 DR. BARAN: I do.

17 CHAIRMAN KOPP: You'll need to be sworn,  
18 sir.

19 (Witness sworn.)

20 DR. BARAN: I do.

21 Good evening. My name is Ron Baran. I  
22 live at 205 Waterford Drive in Willowbrook since 1996.  
23 I'm also an amateur radio operator since 1959, which  
24 makes me about 30.

1                   I was a petitioner. I thought we  
2 had -- I thought we had all the information with the  
3 original permit request. I know I don't have enough  
4 information for a variance should I decide to do that;  
5 but there was a permit on file because you gave me a  
6 copy of it along with the other information, the  
7 engineering reports and so on.

8                   The proposed text amendments came about  
9 because of this permit request, and my attorney  
10 contacted staff and contacted the village attorney in  
11 order to find out what kind of a permit we need when  
12 there is no ordinance that addresses this apparently in  
13 20 years. There is no ordinance on the books at this  
14 time.

15                  Staff and attorney went to the Personal  
16 Wireless Ordinance, which is under the  
17 Telecommunications Act of 1996; and the definition of  
18 what that is is very specific and it does not include  
19 amateur radio. The proposal here is to put unlicensed  
20 personal wireless, which is basically cell towers and  
21 ways to get your iPad onto the internet, and we are a  
22 separate entity. We are licensed and we have a -- also  
23 there is what's referred to as the PRB-1. It's a  
24 federal regulation that deals specifically with amateur

1       radio and specifically with antenna support structures  
2       and specifically village ordinances.

3               We feel -- my attorney feels that it  
4       should be the PRB-1 that governs what's happening as  
5       opposed to rewriting the definition of the  
6       Telecommunications Act of 1996. Some local villages  
7       have ordinances that are PRB-1 compliant, others don't.  
8       We feel that that would be appropriate in this  
9       particular case, that the PRB-1 would be the governing  
10      ordinance.

11               A couple quick comments -- How am I  
12      running here?

13               CHAIRMAN KOPP: Oh, you are fine.

14               DR. BARAN: There is a little bit of  
15      confusion in the -- in the proposed amendments. For  
16      example, on Page No. 2, the fifth paragraph: Amateur  
17      radio communications including shortwave, HAM, and CB  
18      radio services.

19               HAM and amateur radio are the same  
20      thing, so I would suggest that be taken out, also  
21      shortwave, because the only people that can operate  
22      shortwave, are HAMers.

23               The same thing in the last paragraph on  
24      No. 2 -- Page No. 2: Amateur radio communications,

1 including shortwave and HAM.

2 I would recommend striking that.

3 On Page No. 3 we don't see anything.

4 Again, the same thing runs through the whole document.

5 Looking on Page No. 4, No. 3, we have the same  
6 shortwave, CB, HAM, and amateur radio. No. 6 is the  
7 same thing.

8 The second-to-last paragraph here  
9 advocates a subject to bulk specific regulations. It  
10 says in quotes: Antenna, shortwave radio, transmitting  
11 and receiving, citizen band radio.

12 I suggest amateur radio be put in there  
13 because that's what this whole part of the ordinance is  
14 about.

15 On Page 5, the first paragraph under  
16 the big list of things, the height of the antenna for  
17 use in shortwave, transmitting and receiving, I suggest  
18 we refer directly as amateur radio; and also the height  
19 of antenna, I would suggest we refer to that as the  
20 antenna support structure rather than the antenna.

21 I think that cleans it up pretty much.

22 CHAIRMAN KOPP: All right. So the -- but  
23 your first comment about, I forget, the federal  
24 regulation --

1 DR. BARAN: Uh-hmm.

2 CHAIRMAN KOPP: Does it conflict to your  
3 knowledge with what the Village has here?

4 DR. BARAN: It does. It does because we are  
5 talking about the first -- it's easy to get that  
6 confused because after I -- I couldn't put an antenna  
7 support structure up in the backyard because we had all  
8 these big, beautiful ash trees. Now we don't have all  
9 those big, beautiful ash trees anymore so it was  
10 possible to put this up. But I went and looked in the  
11 Village Code, and I mistook personal wireless service  
12 for amateur radio and it's a long -- it's a long --  
13 what do you call those -- it's a long --

14 COMMISSIONER RUFFOLO: Ordinance?

15 DR. BARAN: Thank you.

16 It's a long ordinance and got confused  
17 quite a bit and contradicted a lot of things, and lot  
18 of this stuff didn't apply to amateur radio.

19 For example, there was a change also in  
20 the bond code. It required -- the P.W.S. required  
21 monopole antennas. Well, HAMs don't use monopole  
22 antennas, they just don't. So what that does is it  
23 conflicts with the very definition. Going in and  
24 changing a definition from the Telecommunications Act

1 to make it -- to use that ordinance as something that  
2 it isn't, probably isn't a good idea. I don't know the  
3 legal ramifications, I'm not an attorney, I don't do  
4 such things; but the other ordinance, the PRB-1, is an  
5 ordinance that directly applies to amateur radio, to  
6 village ordinances, and to antenna support structures.  
7 So I would suggest re-looking at that to see if, in  
8 fact, that would be a controlling ordinance or to the  
9 controlling federal regulation in this case.

10 CHAIRMAN KOPP: If it preempts?

11 DR. BARAN: Yes.

12 CHAIRMAN KOPP: Ann, do you know was the  
13 village attorney involved in this process?

14 MS. CHOI: Yes, these amendments were  
15 extensively vetted by the village attorney to make sure  
16 that it complied with PRB-1.

17 Some of the amendments, we do address  
18 the monopole issue where --

19 DR. BARAN: I noticed. Yeah.

20 MS. CHOI: That would be on Page 4 under  
21 Amend Section 9-3-15(D)(2), which specifically  
22 addressed that provision, that the paragraph shall not  
23 apply to amateur radio devices.

24 DR. BARAN: Yeah. Well, that's why I didn't

1 | address it.

7 CHAIRMAN KOPP: Let me ask you this because  
8 this is, I think, beyond the expertise of everyone up  
9 here: Is this impacting what you want to do?

10 DR. BARAN: Oh, absolutely. The village  
11 attorney and my attorney went in circles for quite a  
12 while, and there is a real difference of opinion  
13 between the two as to what's legal and what isn't, you  
14 know; and so we disagreed with the village attorney on  
15 that point.

16 CHAIRMAN KOPP: Okay. I'm sort of at a  
17 loss.

18 VICE-CHAIRMAN WAGNER: Continue this  
19 until --

20 COMMISSIONER KAUCKY: Can I just ask a  
21 question? There were some communities that have  
22 formulated their plan using this PRB-1 of compliance?

23 DR. BARAN: Uh-hmm.

24 COMMISSIONER KAUCKY: Who did that, what

1                   communities?

2                   DR. BARAN: Some are local. I didn't get a  
3                   chance to look at every community.

4                   COMMISSIONER KAUCKY: Okay.

5                   DR. BARAN: So we've got Burbank, Gary and  
6                   Downers Grove, County of DuPage, Grayslake, Hinsdale,  
7                   Lindenhurst, Long Grove, Mount Prospect, Round Lake,  
8                   Schaumburg, Volvo, Wadsworth, Westchester, Western  
9                   Springs, and Worth.

10                  COMMISSIONER KAUCKY: Those are all PRB-1  
11                  compliant?

12                  DR. BARAN: As far as I can tell. I didn't  
13                  read anything in the entire -- all of the regulations;  
14                  but they speak to the common-sense things, the strength  
15                  of the structure, for example. We are in a zone where  
16                  we are required by T.I.A., Telecommunication Institute  
17                  something, so that when we put up one of these  
18                  structures, it complies with their regulations. So  
19                  this is not about just slapping up, you know, a couple  
20                  things you found in the backyard and trying to make an  
21                  antenna out of it.

22                  Actually, when I submitted the permit  
23                  request, I sent a wet stamped structural engineer  
24                  drawings along with it just to show that, you know, I

1       don't want that thing to fall down. Last I checked, it  
2       could withstand, and it's total load of antennas on the  
3       top, which I'm not going to do, but F-1 tornados, over  
4       107 miles an hour.

5                    CHAIRMAN KOPP: How tall is it?

6                    DR. BARAN: It goes up and down. It's  
7        retractable.

8                    MR. GIUNTOLI: How tall would you like to  
9        make this antenna?

10                  DR. BARAN: 75 feet, cranks down to 25 feet.  
11        The structure itself -- total height is 69 feet 6  
12        inches and, of course, you have to put a rotor on the  
13        inside and antenna on the top part of it to spin  
14        around.

15                  COMMISSIONER REMKUS: That's the same type  
16        of antenna that used to be on 75th over there, a guy  
17        had it in his backyard?

18                  DR. BARAN: Uh-hmm. I think that's the same  
19        one. I'm not sure.

20                  COMMISSIONER REMKUS: It's only up when you  
21        are using it?

22                  DR. BARAN: It's not like a garage door  
23        opener. It takes a while to go up and down. If I'm in  
24        my study with the radio on and I hear a country that I

1 want to talk to, it's impractical to run out there and  
2 try to raise that thing because he will be long gone by  
3 the time I get that thing up and down.

4                   The point is: If weather starts to  
5 look questionable, I bring it down; if I'm out of town  
6 for any period of time, I bring it down; if something  
7 happens where I'm not around and something horrible  
8 starts to happen, I've got two sons-in-law who owe me  
9 big time.

10                  COMMISSIONER REMKUS: How is that  
11 interference with that with say people who have an  
12 antenna for free TV and that when you transmit?

13                  DR. BARAN: Used to be a problem back when  
14 we had 2, 5, 7, 9 --

15                  COMMISSIONER REMKUS: That's the era I'm  
16 from.

17                  DR. BARAN: Say that again.

18                  COMMISSIONER REMKUS: That's the era I'm  
19 from.

20                  DR. BARAN: Me too. Everything digital is  
21 not interfered by the stuff at all. People who have  
22 the digital free TV, because there is no more 2, 5, 7,  
23 9, it's all way high, and it tends not to get into that  
24 sort of thing.

1                   CHAIRMAN KOPP: It's interesting you mention  
2 the one on 75th Street because --

3                   COMMISSIONER REMKUS: It's gone now.

4                   CHAIRMAN KOPP: It's totally gone, but I  
5 remember seeing it from Crest Park even. You would  
6 notice that thing.

7                   COMMISSIONER WALEC: I have a question, I'm  
8 sorry. The address wherever this antenna would be at?

9                   DR. BARAN: I'm sorry?

10                  COMMISSIONER WALEC: The address where this  
11 antenna would be?

12                  DR. BARAN: 205 Waterford Drive. It's an  
13 R-2.

14                  CHAIRMAN KOPP: I'm not interested in  
15 passing an ordinance that maybe conflicts with federal  
16 law, so I like Vice-Chairman Wagner's suggestion to  
17 continue this so that maybe we can have the village  
18 attorney weigh in on this specific issue.

19                  MS. CHOI: Yes, that can be on the July 8th  
20 meeting, I believe.

21                  CHAIRMAN KOPP: Sure. We sometimes skip  
22 July but I don't know -- I don't know if --

23                  DR. BARAN: July is fine as long as you turn  
24 the air conditioner up. So we are talking about

1 July 8th tentatively?

2 CHAIRMAN KOPP: It would be the first  
3 Wednesday in July.

4 MS. CHOI: I just wanted to, for the record,  
5 state that this doesn't prevent anyone from requesting  
6 a variation from the ordinance; it just cleans it up.  
7 There were two sections of the Code that were  
8 conflicting with each other. It would just point you  
9 in the right direction as to where the bulk regulations  
10 are. I just wanted to make that clear.

11 CHAIRMAN KOPP: Well, what kind of a right  
12 antenna could be put up?

13 MS. CHOI: Well, so the section under  
14 accessory uses allowed a height of 15 feet. That  
15 section would be amended to direct you to 9-15-3 --  
16 9-3-15, and that's based on where you need to locate  
17 the antenna in your rear yard because that's where it's  
18 allowed, and then it's dictated by the distance from  
19 the adjoining property.

20 CHAIRMAN KOPP: Okay.

21 MS. CHOI: So if it's located right in the  
22 middle, your height is dictated by how far it is from  
23 the adjoining lot lines.

24 CHAIRMAN KOPP: Okay.

1                   MS. CHOI: It's a safety issue because you  
2                   don't want a 75-foot antenna toppling into your  
3                   neighbor's yard.

4                   DR. BARAN: That's very valuable for some  
5                   kinds of antenna support structures but not for this  
6                   one because it has a -- it has a weak point halfway up  
7                   the support structure. I contacted the manufacturer,  
8                   who is a licensed structural engineer in California,  
9                   and he talked -- we talked about fall area, which is  
10                  what we are talking about.

11                  Halfway up -- Suppose this tower went  
12                  all the way up and a tornado came in. If that thing  
13                  failed, it would fail at 35 feet, which basically means  
14                  that the other 34 feet would bend down on itself. He  
15                  tells me -- I got a letter, but I didn't bring it. He  
16                  tells me that that fall area is about 20 feet. Support  
17                  structures don't fall down like a pencil. This  
18                  particular one is a foundation that's 7 feet deep by 5  
19                  by 5, and the purpose of that is to keep the fulcrum  
20                  plate below ground. So it would be a tremendous force  
21                  to take that thing and bend it over like that.

22                  Again, we have the structural engineer  
23                  who did all the work on this, and he's licensed in  
24                  Illinois, but he's no longer with us.

1 CHAIRMAN KOPP: Well, I think that the most  
2 important thing is to figure out if federal law  
3 preempts this. Then it's silly for us to even discuss  
4 like what we can or cannot prohibit you from doing.

5 DR. BARAN: Uh-hmm.

6 CHAIRMAN KOPP: I think we should continue  
7 this until we can get some input from the village  
8 attorney.

12 Does someone second?

13 COMMISSIONER RUFFOLO: Second the motion.

14 | CHAIRMAN KOPP: All in favor say aye.

15 (A chorus of ayes.)

16 DR. BARAN: Thank you, Mr. Chairman,  
17 Commissioners.

18 | CHAIRMAN KOPP: All right.

1 DR. BARAN: If you have hotdogs and stuff.

2 CHAIRMAN KOPP: -- the next Wednesday, but  
3 it will be published.

4 DR. BARAN: Okay.

5 MR. BAUGH: Mr. Chair, my name is Brian  
6 Baugh from the village attorney's office.  
7 Unfortunately, I don't have any functional knowledge of  
8 what everybody was just talking about. Matt Holmes,  
9 who is an expert in this area of law, he would be here  
10 but his wife is having a baby like at any hour.

11 As far as your motion to continue, I  
12 would just ask that the prior motion be withdrawn and  
13 somebody make a new motion to continue it to a specific  
14 date, time, and place so we don't have to republish the  
15 notice.

16 CHAIRMAN KOPP: Okay.

17 MR. BAUGH: If you don't think you are going  
18 to be able to have a quorum on July 3rd, my  
19 recommendation would be to just continue it to a date  
20 specific in August.

21 CHAIRMAN KOPP: Do we know if there is going  
22 to be anything else in July?

23 MS. CHOI: We do, although we have to verify  
24 that there will be a quorum of Plan commissioners for

1 that July 8th meeting.

2 CHAIRMAN KOPP: It would be the 10th.

3 MS. CHOI: The 10th.

4 CHAIRMAN KOPP: I don't --

5 VICE-CHAIRMAN WAGNER: July 8th -- I'm  
6 sorry. July 8th is a Monday.

7 MS. CHOI: July 10th.

8 CHAIRMAN KOPP: Are people amenable to a  
9 meeting on the 10th?

10 VICE-CHAIRMAN WAGNER: Yes.

11 COMMISSIONER REMKUS: Yes.

12 COMMISSIONER WALEC: Yeah.

13 CHAIRMAN KOPP: I make a motion that we  
14 continue public hearing -- the Public Hearing 19-04 to  
15 July 10th at 7:00 p.m. at the Village Hall.

16 Will someone second that motion?

17 COMMISSIONER WALEC: Second.

18 CHAIRMAN KOPP: All in favor say aye.

19 (A chorus of ayes.)

20 CHAIRMAN KOPP: Thank you.

21 (Whereupon, the proceedings.

22 in the above-entitled cause  
23 were recessed to Wednesday  
24 July 10, 2019, at 7:00 p.m.)

1 STATE OF ILLINOIS      )  
2                              )    SS.  
3 COUNTY OF C O O K      )

4                              Maureen K. Nagle, a Certified Shorthand  
5 Reporter, doing business in the City of Chicago, County  
6 of Cook, and the State of Illinois states that she  
7 reported in shorthand the proceedings had at the  
8 foregoing hearing;

9                              And that the foregoing is a true and correct  
10 transcript of her shorthand notes so taken as aforesaid  
11 and contains all the proceedings had at the said  
12 hearing.

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MAUREEN K. NAGLE, CSR  
CSR No. 084-002863

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## LAW AND ORDINANCES COMMITTEE MEETING

### AGENDA ITEM SUMMARY SHEET

#### AGENDA ITEM DESCRIPTION

#### **UPDATE – PC-19-05 TEXT AMENDMENTS TO AMEND SECTION 9-9-7 (C) OF THE ZONING TITLE OF THE VILLAGE OF WILLOWBROOK REGARDING PERFORMANCE STANDARDS IN THE M-1 LIGHT MANUFACTURING ZONING DISTRICT**

#### COMMITTEE REVIEW

- Finance/Administration
- Municipal Services
- Public Safety
- Law & Ordinances

Meeting Date:

July 2, 2019

<input checked="" type="checkbox"/> Discussion Only	<input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date)
<input type="checkbox"/> Seeking Feedback	<input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board)
<input type="checkbox"/> Regular Report	<input type="checkbox"/> Report/documents requested by Committee

This item was first presented to the Law and Ordinance Committee on May 14<sup>th</sup>, 2019. During the meeting staff highlighted the following areas for possible enhancements:

Amend Section 9-9-7(C)(1) as follows: “Uses involving the manufacture, storage and/or utilization of materials and/or products which decompose by detonation shall be allowed only as a special use.” [Emphasis added.]

Amend Section 9-9-7(C)(4) as follows: Delete “, except that the storage of finished products in original sealed containers of fifty-five (55) gallons or less shall be unrestricted.”

Amend Section 9-9-7(C) Table IV(b) as follows: “Industries engaged in utilization and/or manufacture of flammable materials where storage is an ancillary use:”. [Emphasis added.]

Amend Section 9-9-7(C)(4) as follows: Add “Facilities that store, utilize or manufacture chemicals in quantities that equal or exceed the thresholds in amounts that have been determined by EPCRA Sections 311-312 under the following categories: Extremely Hazardous Substances (EHSs)(40 CFR part 355 Appendix A and Appendix B), gasoline (all grades combined) at a retail gas station, diesel fuel (all grades combined) at a retail gas station, and all other hazardous chemicals, shall, prior to commencement of operations at or exceeding the thresholds, obtain a Resource Conservation and Recovery Act (“RCRA”) permit and provide a copy of said permit to the Village or complete and file Tier II reports required by the Federal Emergency Planning and Community Right to Know Act (“EPCRA”) or Toxic Release Inventory (“TRI”) and provide copies of the same to the Village.”

The Law & Ordinance Committee referred the subject to the July 6, 2019 Plan Commission for consideration of the proposed text amendment. At the July 6, 2019 Public Hearing the Plan Commission had a number of questions related to the proposed text amendment and continued the subject to the next Plan Commission meeting, currently scheduled for July 19, 2019.

Staff has subsequently met with our Village Attorney, building plan review consultant, TPI, and Tri State Fire Protection District to further clarify the proposed text amendment. Additionally, staff will provide the Plan Commission on July 17, 2019 with a question and answer sheet to help further answer any questions that they may have with the subject.

Attached is an updated red-line version of the proposed text amendment for consideration at the July 17, 2019 Plan Commission.

#### STAFF RECOMMENDATION

Staff seeks direction to refer this item to the July 17, 2019 Plan Commission for further consideration.

**9-9-7: FIRE AND EXPLOSION HAZARD STANDARDS**  
**HAZARDOUS AND ENVIRONMENTALLY DAMAGING SUBSTANCES**

**(A) Required Performance Level:** All operations, activities and uses shall be conducted so as to comply with the performance standards governing fire and explosion hazards-hazardous and environmentally damaging substances prescribed below.

**(B) Definitions:** The following terms as used in Section 9-9-7 shall have the meaning respectively ascribed to them in this article, unless the context otherwise requires.

**CHEMICAL:** An element, chemical compound or mixture of elements or compounds or both.

**CONTAINER:** A vessel of 60 gallons or less in capacity used for transporting or storing hazardous materials. Pipes, piping system, engines and engine fuel tanks are not considered to be containers.

**CYLINDER:** A pressure vessel designed for pressures higher than 40 psia (275.6 kPa) and having a circular cross section. It does not include a portable tank, mobile tank car tank, cargo tank or tank car.

**ENVIRONMENTALLY DAMAGING SUBSTANCES:** Any substance spilled or released into the environment in sufficient quantity so as to cause actual or potential human health problems if not dealt with by remedial action, or to contaminate air, land or water.

**EXPLOSION:** An effect produced by the sudden violent expansion of gasses, which may be accompanied by a shock wave or disruption, or both, of enclosing materials or structures. An explosion could result from chemical changes such as rapid oxidation, deflagration, or detonation, decomposition of molecules and run-away polymerization (usually detonation).

**FACILITY:** Any building, structure, installation, equipment, pipe or pipeline including but not limited to any pipe into a sewer or publicly owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or air craft or any site where hazardous materials or environmentally damaging substances have been deposited, stored, disposed of, placed or otherwise came to be located.

**FLAMMABLE GAS:** A material which is a gas at 68°F or less at 14.7 pounds per square inch atmosphere (psia) (101 kPa) of pressure [a material that has a boiling point of 68°F (20°C) or less at 14.7 psia (101 kPa)] which:

1. Is ignitable at 14.7 psia (101 kPa) when in a mixture of 13 percent or less by volume with air, or
2. Has a flammable range at 14.7 psia (101 kPa) with air of not less than 12 percent, regardless of the lower limit.

The limits specified shall be determined at 14.7 psi (101 kPa) of pressure and a temperature of 68°F in accordance with ASTM E681.

**FLAMMABLE LIQUEFIED GAS:** A liquefied compressed gas which, under a charged pressure, is partially liquid at a temperature of 68°F (20°C) and which is flammable.

**FLAMMABLE LIQUID:** A liquid having a closed cup flash point below 100°F. Flammable liquids are further categorized into a group known as Class I liquids. The Class I category is subdivided as follows:

**Class IA.** Liquids having a flash point below 73°F and having a boiling point below 100°F.

**Class IB.** Liquids having a flash point below 73°F and having a boiling point at or above 100°F.

**Class IC.** Liquids having a flash point at or above 73°F and below 100°F.

The ~~category~~ of flammable liquids does not include compressed gases or cryogenic fluids.

**FLAMMABLE MATERIAL:** A material capable of being readily ignited from ~~common~~ sources of heat or at a ~~temperature~~ of 600°F or less.

**FLAMMABLE SOLID:** A solid, other than a blasting agent or ~~explosive~~, that is capable of causing fire through friction, ~~absorption~~ of moisture, spontaneous chemical change or ~~retained~~ heat from manufacturing or ~~processing~~, or which has an ignition ~~temperature~~ below 212°F or which burns so ~~vigorously~~ and persistently when ignited as to create a serious hazard. A ~~chemical~~ shall be considered a flammable solid as determined in accordance with the test method of CPSC 16 CFR Part 1500.44, if it ignites and burns with a ~~self-sustained~~ flame at a rate greater than 0.0866 inch per second along its major axis.

**HAZARDOUS MATERIALS:** ~~Substances or materials~~ in quantity and forms that may pose an ~~unreasonable~~ risk to health, safety or property when stored, ~~transported~~ or used in ~~commerce~~. Such materials include but are not limited to ~~explosives~~, blasting agents, poisons, ~~flammable~~ and ~~combustible~~ liquids, ~~flammable~~ and ~~non-flammable~~ gases, corrosives, ~~oxidizers~~, organic peroxides, flammable solids, ~~radioactive materials~~, ~~biological~~ agents. ~~Hazardous materials also includes~~ hazardous ~~substances~~ and hazardous wastes.

**HAZARDOUS SUBSTANCES:** Any ~~substance~~ designated under the Clean Water Act and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 USC Sec. 9601 et seq.), as now or ~~hereafter~~ amended, as posing a threat to the ~~waterways~~ and the environment when ~~released~~.

**HAZARDOUS WASTE:** ~~Discarded~~ material under Resource Conservation and Recovery Act (RCRA) (42 USC Sec. 6901 et seq.) regulated by the United States Environmental Protection Agency ~~because~~ of public health and safety concerns.

**RELEASE:** Any spilling, leaking, pumping, pouring, emitting, escaping, ~~emptying~~, ~~discharging~~, injecting, leaching, dumping, ~~disposing~~, exploding or burning of ~~hazardous~~ materials or ~~environmentally~~ damaging ~~substances~~ into or on any land, air, water, well, stream, sewer, or pipe such that hazardous materials or any ~~constituent~~ or ~~environmentally~~ damaging substances thereof, that may enter the ~~environment~~.

**RESPONSIBLE PARTY or PARTIES** include the following:

1. The owner and operator of a facility or vessel from which there is a fire or release or ~~threatened~~ release of hazardous ~~materials~~ or ~~environmentally~~ damaging ~~substances~~;
2. Any person who at the time of disposal, transport, storage, or ~~treatment~~ of ~~hazardous~~ materials or ~~environmentally~~ damaging substances owned or ~~operated~~ the facility or vehicle used for such ~~disposal~~, ~~transport~~, ~~treatment~~ or storage from which there was a fire, release or ~~threatened~~ release of hazardous materials or ~~environmentally~~ ~~damaging~~ substances;
3. Any person who by contract, ~~agreement~~ or ~~otherwise~~ has ~~arranged~~ with another party or entity for ~~transport~~, storage, ~~disposal~~ or ~~treatment~~ of ~~hazardous~~ ~~materials~~ or ~~environmentally~~ damaging substances owned, controlled or possessed by such person at a facility owned

and ~~operated~~ by another party or entity from which there is fire, release or threatened release of such hazardous materials or ~~environmentally~~ damaging ~~substances~~;

4. Any person who accepts or ~~accepted~~ any ~~hazardous materials~~ or ~~environmentally~~ damaging ~~substances~~ for transport to disposal, storage or ~~treatment~~ sites from which there is a fire, release or ~~threatened~~ release of hazardous ~~materials~~ or ~~environmentally~~ damaging ~~substances~~;
5. In the case of an abandoned facility or vehicle any person owning or ~~operating~~ the ~~abandoned~~ facility or any person who owned or operated or ~~otherwise controlled activities~~ at the ~~abandoned~~ facility immediately prior to abandonment;
6. In the case of a land trust owning or ~~operating~~ a facility or vehicle the person owning the beneficial interest in the land trust

**TANK** A vessel containing more than 60 gallons

**(B) (C) General Requirements:**

1. Activities involving the storage, utilization or manufacture of materials or products which decompose by detonation are permitted only in accordance with the regulations of each zoning district. Such materials shall include, but are not limited to all primary explosives such as lead azide, lead styphnate, fulminates and tetryl; all high explosives such as TNT, RDX, HMX, PETN, and picric acid, propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives, pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine, unstable organic compounds such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as perchloric acid, perchlorates, chlorates and hydrogen peroxide in concentrations greater than thirty five percent (35%); and nuclear fuels, fissile materials and products and reactor elements such as uranium 235 and plutonium 239.

**Safe hazardous materials storage required.** Hazardous materials shall be stored in such a way that ~~products~~ which, when mixed, react ~~violently~~ or evolve toxic fumes, vapors or gases, or that, in ~~combination~~, become hazardous by reason of toxicity, oxidizing power, ~~flammability~~ or other ~~properties~~ are not in close ~~proximity~~. These ~~materials~~ shall be handled, stored, utilized or manufactured in accordance with the ~~currently adopted International Fire Code ("IFC")~~, and shall be stored ~~separately~~, segregated by distance, ~~partitions~~, or other methods as required by the IFC.

**Commented [P1]:** Need Village Attorney input on wording.

2. Where materials or products which decompose by detonation are permitted, those materials shall be handled, stored, utilized or manufactured in accordance with the National Fire Codes published by the National Fire Protection Association (Ord. 75 O 2, 3 10 1975)  
**Unlawful releases prohibited.** No person shall cause, threaten, or allow the release of hazardous materials or ~~environmentally~~ damaging substances, unless such release is in accordance with an ~~appropriate~~ permit granted by the Illinois Environmental Protection Agency ("IEPA") or other State or Federal agency having primary ~~authority~~ over the release, as permitted by the IEPA, and such release is in such a place and manner as will not create a hazard to human health, ~~property~~, or the ~~environment~~. Any prohibited release is hereby declared a public nuisance. This shall be an ~~absolute~~ liability offense.

*Are there any penalties or violations? What are the fines imposed by the Village of Willowbrook?*

**Commented [P2]:** Need Village Attorney input.

3. ~~Activities involving the manufacturing, processing, generation, storage or utilization, or any combination thereof, of the following materials or products are permitted only in accordance with the regulations of each zoning district. Such materials or products shall include, but are not limited to, the following:~~

- a. Any material or product which contains a ~~chemical compound~~, mixture or device, the primary or common purpose of which is to function by ~~explosion~~ including any material or product ~~determined~~ to be within the scope of the ~~United States Code (USC) Title 18, Chapter 40~~ or any material or product classified as an explosive ~~by the currently adopted International Fire Code ("IFC")~~, other than consumer ~~fireworks~~, 1.4G (Class C, Common) by the hazardous ~~material regulations~~ of the ~~Department of Transportation ("DOTn") 49 CFR, Parts 100-185~~.
- b. Unstable organic compounds including, but not limited to, acetone, tetrazoles and ~~oxides~~ strong oxidizing agents such as perchloric acid, perborate, chlorate and hydrogen peroxide in concentrations greater than thirty five percent (35%). ~~This is being done because unstable materials are regulated by Chapter 11 of the IFC (p.497).~~
- c. Nuclear fuels, fissionable ~~material~~ and ~~products~~ and reactor elements such as uranium 235 and plutonium 239. ~~These materials are not addressed by the IFC in this entry because they are not combustible.~~
- d. Any materials or ~~products~~ that constitute a physical or health hazard as ~~identified~~ by the ~~currently adopted~~ IFC as High-Hazard Group H ~~occupancies~~.
- d. Any chemicals ~~governed~~ by the Environmental Protection Agency ("EPA"), and regulated by the IEPA.

**Commented [P3]:** Need Village Attorney input on wording.

4. Liability for costs. Each responsible party or parties shall be liable to the Village of Willowbrook for all costs incurred by the Village ~~resulting~~ from a fire, release or ~~threatened~~ release ~~involving hazardous materials or environmentally damaging substances, except that the Village shall not recover more than the actual costs incurred. This section shall not limit prosecution under 9-9-7(C)2.~~

**Commented [P4]:** Need Village Attorney input on wording.

**Commented [P5]:** Need Village Attorney input. Should this be deleted?

~~(C) (D) Standards In The M-1 Light Manufacturing District:~~

- 1. ~~Uses involving the manufacture, storage and utilization of materials and products which decompose by detonation may be allowed only as a special use.~~  
~~The use of a facility, building or ~~structure~~, or a portion thereof, that involves the manufacturing, processing, generation, storage or utilization, or any combination thereof, of any of the materials or products identified under Section 9-9-7(C)3 shall be allowed only as a special use. Hazardous materials that are below the Maximum Allowable Quantity Per Control Area of Hazardous Materials Posing a Physical Hazard as listed in the currently adopted IFC shall be ~~excepted~~. This can be found in Chapter 50 of the IFC Table 5002.1.1.~~
- 2. ~~The storage, utilization or manufacture of solid materials or products ranging from combustible to moderate burning is permitted.~~

**Commented [P6]:** Need Village Attorney input on wording.

The use of a facility, building or structure; or a portion thereof, that involves the manufacturing, processing, generation, storage or utilization, or any combination thereof, of materials or products that constitute a physical or health hazard as identified in the currently adopted IFC as High-Hazard Group H occupancies shall require you to make an application for a Village of Willowbrook issued Operational Permit for the purpose of assisting facilities in correctly reporting chemicals, their quantities, locations, and hazards for the benefit of alerting emergency response agencies to chemical hazards at a facility should an emergency occur. Having properly informed emergency responders allows a more effective and well-organized response and can limit liability and injuries during a response effort due to one or more of the following issues:

**Commented [P7]:** Need Village Attorney input on wording.

- a. Hazardous or flammable materials or processes
- b. High fire loads
- c. Materials or processes that have unique fire management characteristics, as determined by the authority having jurisdiction.

3. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided that said materials or products are stored, manufactured or utilized in fire resistant and fire protected buildings or spaces. Said materials or products shall be stored so that they are set back at least one hundred feet (100') from all lot lines. *This section has been deleted because it is already covered in P7.*

3. The use of a facility, building or structure; or a portion thereof, that involves the manufacturing, processing, generation, utilization or storage, or any combination thereof, of materials or products in quantities that equal or exceed the thresholds in amounts that have been determined by the Federal Emergency Planning and Community Right to Know Act ("EPCRA") Sections 311-312 under the following categories: Extremely Hazardous Substances (EHSS)(40 CFR part 355 Appendix A and Appendix B), gasoline (all grade combined) at a retail gas station, diesel fuel (all grades combined) at a retail gas station, and all other hazardous chemicals, shall, prior to commencement of operations at or exceeding the threshold, obtain a Resource Conservation and Recovery Act ("RCRA") permit and provide a copy of said permit to the Village or and complete and file Tier II reports required by the Federal EPCRA or Toxic Release Inventory ("TRI") and provide copies of the same to the Village.

4. The storage, utilization or manufacture manufacturing, processing, generation, storage or utilization or any combination thereof, of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with table IV of this section the currently adopted IFC, except that the storage of finished products in original sealed containers as defined in this section of fifty five (55) gallons or less shall be unrestricted permitted.

**Commented [P8]:** Need Village Attorney input on wording.

**Commented [P9]:** Change Village Attorney's original wording. Change to "and" to require both?

TABLE IV  
TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED, GALLONS

(a) Industries engaged in storage for resale: the above ground storage of any ~~flammable~~ or ~~explosive~~ vapors, liquids or gases shall be ~~prohibited~~ unless otherwise governed by another section of the code.

**Commented [P10]:** Need Village Attorney input on wording.

	Above Ground	Below Ground
Materials having a closed cup flash point over 187°F but less than 350°F	Prohibited	100,000
Materials having a closed cup flash point from and including 105°F to and including 187°F	Prohibited	400,000
Materials having a closed cup flash point of less than 105°F	Prohibited	<u>100,000</u>
<b>Total</b>		<b>300,000</b>

(b) Industries engaged in utilization and manufacture of flammable materials where storage is an ancillary use: the above ground storage of any ~~flammable~~ or explosive vapors, liquids or gases shall be in accordance with the ~~currently~~ adopted IFC, except that materials having a closed cup flash point of less than 100°F shall be ~~prohibited~~.

	Above Ground	Below Ground
Materials having a closed cup flash point over 187°F but less than 350°F	50,000	400,000
Materials having a closed cup flash point from and including 105°F to and including 187°F	25,000	400,000
Materials having a closed cup flash point of less than 105°F	Prohibited	<u>100,000</u>
<b>Total</b>	75,000	<b>300,000</b>

When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure permitted shall not exceed thirty (30) times the quantities listed above. (Ord. 07 O 05, 1-27-1997) ~~This section is being deleted because it is already expressed in the IFC Annex~~

MINUTES OF THE REGULAR HEARING 19-01 MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, JUNE 5, 2019, AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS

1. CALL TO ORDER

Chairman Kopp called the meeting to order at the hour of 7:00pm

2. ROLL CALL

Those present at roll call were Commissioners Remkus, Soukup, Ruffalo, Kaucky, and Walec, Vice Chairman Wager, and Chairman Kopp.

Also present were Planning Consultant Ann Choi, Building Official Roy Giuntoli, and Recording Secretary Lisa Shemroske.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Regular Meeting April 3 ,2019

MOTION: Made by Commissioner Soukup seconded by Commissioner Ruffalo to approve the Omnibus Vote Agenda as presented.

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-03: Morgan Harbour Construction, LLC 7510 S. Madison Street, Willowbrook, Illinois. Petition requesting approval of a variation from Section 9-10-5(K) to reduce the number of required parking stalls from fifty-four (54) parking spaces to thirty -five (35) parking spaces to accommodate 10,645 square feet of office space and 7,902 square feet of warehouse space.

- A. PUBLIC HEARING Ended 7:26 pm
- B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes for Discussion and Recommendation

MOTION: The following motion made by Commissioner Walec was seconded by Commissioner Remkus and approved unanimous 7-0 roll call vote of the members present: Based on the submitted petition and testimony provided, I move that the Plan Commission approve and adopt the Standards for Variations outlined in the Staff Report prepared for PC 19-03 for the June 5, 2019 Plan Commission meeting; and that the Plan Commission recommend to the Village Board approval of a variation from Section 9-10-5(K) to reduce the off-street parking requirements for the property located at 7510 Madison Street as

outlined in the Staff Report dated for the June 4th, 2019 Plan Commission meeting and as deliberated by the Plan Commission, subject to the recommended “Conditions of Approval:” listed in the Staff Report prepared for PC 19-03 for the June 5, 2019 Plan Commission meeting, additional condition that signage will be installed with NO PARKING IN FIRE LANE every 75 feet.

ROLL CALL: AYES: Commissioners Remkus, Soukup, Ruffalo, Kaucky, Walec, and Vice Chairman Wagner and Chairman Kopp. NAYS: None. ABSENT: None. Public Hearing ended at 7:26pm.

MOTION DECLARED CARRIED

5. PLAN COMMISSION CONSIDERATION; Zoning Hearing Case 19-04: Petitions for a text amendment to amend Section 9-3-15, Section 9-12-2, and Section 9-12-4(C) of the Zoning Title of the Village of Willowbrook to remove outdated information and to bring the Zoning Code in compliance with the recently enacted State and Federal laws. The proposed amendments to the Zoning Code will also clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.

- A. PUBLIC HEARING Ended 7:55pm
- B. DISCUSSION /RECOMMENDATION

Court Reporters Minutes for Discussion and Recommendation

MOTION: The following motion made by Chairman Kopp to Continue this Public Hearing until the next meeting, the first Wednesday in July and second by Commissioner Remkus. All in favor 7-0.

MOTION DECLARED CARRIED

Village Attorney suggest we withdraw first motion since a date was not really given.

NEW MOTION: Chairman Kopp made motion to continue Public Hearing Case 19-04 to July 10<sup>th</sup> at 7pm second by Commissioner Remkus All in favor 7-0

6. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-05: Petition for a text amendment to amend Section 9-9-7 (c) of the Zoning Title of the Village of Willowbrook regarding performance standards in the M-1 Light Manufacturing Zoning District.

- A. PUBLIC HEARING Ended; 7:55
- B. DISCUSSIONS/RECOMMENDATION

Court Reporters Minutes for Discussion and Recommendation

MOTION: The following motion made by Chairman Kopp to continue Public Hearing Case 19-05 to the Juley 10 meeting at 7pm, seconded by Commissioner Walec and approved unanimous 7-0 roll call vote of the members present.

ROLL CALL: AYES: Commissioners Remkus, Soukup, Ruffalo, Kaucky, Walec, and Vice Chairman Wagner and Chairman Kopp. NAYS: None. ABSENT: None. Public Hearing ended at 7:55pm.

MOTION DECLARED CARRIED

7. VISTOR'S BUSINESS;

Resident ask about to get written information in front of the Commission that might informant the decision on these pending Hearing.

8. COMMUNICATIONS

Consultant Planner Choi informs the Committee that she will have two addition cases for the next meeting beside the two that are continuances from tonight's meeting.

Building Official Giuntoli reported on a Pulte update. Pete's Markets update on the Kingery IDOT road work that does not have a date as of today's and the stores on the outer lots at that location. ROC Storage and Compass Arena progress and issues. New Codes are in the works and should be finialed at the June 24,2019 Village Board meeting.

7. ADJOURNMENT

MOTION: Made by Commissioner Remkus, seconded by Commissioner Walec, to adjourn the meeting of the Plan Commission at the hour of 8:30 p.m.

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED,

July 10, 2019

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Chairman

Minutes transcribed by Building and Zoning Secretary Lisa J Shemroske

6/5/2019  
**VILLAGE OF WILLOWBROOK**

**P.C. 19 - 05**

MAUREEN K. NAGLE

BEFORE THE PLAN COMMISSION  
VILLAGE OF WILLOWBROOK, ILLINOIS

IN RE THE MATTER OF:	)	
	)	
	)	
M-1 Performance Standards	)	No. 19-05
Text Amendment	)	

REPORT OF PROCEEDINGS had at the hearing of the above-entitled causes before the Plan Commission of the Village of Willowbrook, at the Village of Willowbrook Police Department, 7760 Quincy Street, Willowbrook, Illinois, on the 5th day of June, 2019, at the hour of 7:49 p.m.

## 1 PRESENT:

2 MR. DANIEL KOPP, Chairperson;  
3 MR. JOHN WAGNER, Vice-Chairperson;  
4 MR. LEONARD KAUCKY, Commissioner;  
5 MR. WILLIAM REMKUS, Commissioner;  
6 MR. GREGORY RUFFOLO, Commissioner;  
7 MR. JAMES SOUKOP, Commissioner;  
8 MR. MIKE WALEC, Commissioner;  
9 MS. LISA SHEMROSKE, Building and Zoning Secretary.

10

## 11 PRESENT:

12 Mr. Roy Giuntoli, Village Building Inspector;  
13 Ms. Ann Choi, Village Planning Consultant;  
14 Mr. Brian Baugh, Storino, Ramello & Durkin.

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1                   CHAIRMAN KOPP: The next item on the agenda  
2 is a public hearing for Zoning Hearing Case 19-05. The  
3 purpose of this public hearing is to consider a request  
4 by the Village of Willowbrook as Petitioner to amend  
5 Section 9-9-7(C) of the Zoning Title of the Village of  
6 Willowbrook regarding performance standards in the M-1  
7 Light Manufacturing Zoning District.

8                   The Applicant for this petition is the  
9 Village of Willowbrook. Notice of this public hearing  
10 was published in the May 18, 2019, edition of the  
11 Chicago Sun-Times newspaper.

12                  MS. CHOI: Thank you, Chairman Kopp.  
13 Village staff is proposing text amendments to Section  
14 9-9-7(C), Fire and Explosive Hazard Standards in the  
15 M-1 Light Manufacturing District. This was originally  
16 drafted in 1975 and amended again in 1997, more than 20  
17 years ago.

18                  On May 14, 2019, the proposed text  
19 amendments were presented to the Laws and Ordinances  
20 Committee. This committee meets the first Tuesday of  
21 each month. The proposed code language was drafted to  
22 clarify some inconsistencies in the current Code. As  
23 it is currently written, a Special Use would only be  
24 required if a proposed use involved all three of the

1 following activities: Manufacturing, storage, and  
2 utilization of materials and products which decompose  
3 by detonation. If a proposed use involves only one or  
4 two of these activities, a Special Use would not be  
5 required. The Village would like to amend Section  
6 9-9-7(C) to insert the and/or emphasis to widen the  
7 scope of potential activities that would require  
8 Special Use, meaning a Special Use would now be  
9 required if one of the three activities were proposed.

10 Section 9-9-7(C) Table IV(b) was also  
11 amended in keeping with Section 9-9-7(C)(1) to insert  
12 the and/or for emphasis. The current table lists the  
13 maximum amount of certain chemicals that are permitted  
14 above ground and below ground, but the table only  
15 applies to industries if they are engaged in both the  
16 utilization and manufacture of flammable materials, not  
17 just utilization or just the manufacture. The and/or  
18 emphasis that is added will broaden the scope and  
19 applicability of that table as well.

20 Going back to Section 9-9-7(C)(4), the  
21 proposed text amendment will delete the portion of the  
22 sentence that allows containers that are 55 gallons or  
23 less to go unrestricted. The proposed code language  
24 will ensure that any volume of hazardous liquids will

1 need to comply with this section of the Code.

The proposed text amendments will further revise Section 9-9-7(C) so that the Village may adopt some language concerning users having to comply with Tier II reports. Known officially as Emergency and Hazardous Chemical Inventory Forms, Tier II reports are submitted annually to local fire departments, local emergency planning committees, and state emergency response commissions to help those agencies plan for and respond to chemical emergencies. Users would have to complete this report and provide them to the Village so that emergency responders know what to expect when they get to a facility storing hazardous chemicals in the event of chemical emergencies.

1 periodic updates to their appendices.

2                   Staff would like to point out to the  
3 Plan Commission that the proposed text amendments would  
4 not be retroactive and would only apply to new  
5 businesses going forward. The proposed code language  
6 for the text amendments are included in their entirety  
7 on Pages 3 and 4 of the staff report.

8                   Staff is supportive of the proposed  
9 text amendments and suggests the Plan Commission  
10 recommend approval to the Village Board. If the Plan  
11 Commission concurs, a sample motion can be found on  
12 Page 5 of the staff report.

13                  That concludes my report. I'm  
14 available for any questions. We also have Brian Baugh  
15 here to answer any questions.

16                  CHAIRMAN KOPP: So --

17                  MR. BAUGH: Just as a point of  
18 clarification, I just want to report, as she correctly  
19 pointed out, these would not be retroactive in large  
20 part with the exception of the new reporting  
21 requirements, which will be required by everyone in the  
22 M-1 District.

23                  CHAIRMAN KOPP: So what theoretical problem  
24 exists with the current Code that this now -- I need

1 some examples just to try to understand.

2 MR. BAUGH: Well, this started with former  
3 Village Administrator Tim Hamlin when he started  
4 reviewing the Code before he left and found some  
5 inconsistencies in the Code concerning how it applied  
6 to different manufacturers or users of different  
7 chemicals; and because of that lack of and/or in there,  
8 it basically was you had to do all of these things for  
9 the current Code as it sits today to apply. If it  
10 didn't, you weren't a Special Use, you were just a  
11 permitted use.

12 CHAIRMAN KOPP: You still had to comply with  
13 federal and state law?

14 MR. BAUGH: Correct.

15 CHAIRMAN KOPP: You didn't have to do the  
16 reporting requirements to the Village?

17 MR. BAUGH: Those are still required by  
18 state and federal law in some instances, but this just  
19 broadens the scope of what will be required for the  
20 Village.

21 CHAIRMAN KOPP: So if a new user comes in,  
22 and I saw this list, it must be at least a thousand  
23 chemicals, if not more, but if a new user comes into  
24 the Manufacturing District here, Industrial District

1 here, and they use any of this stuff, they have to get  
2 a Special Use on any quantity?

3 COMMISSIONER WALEC: Any quantity.

4 MR. BAUGH: That was put in for illustrative  
5 purposes of the Tier II reporting.

6 CHAIRMAN KOPP: So --

7 COMMISSIONER RUFFOLO: I'm unclear.

8 MR. BAUGH: My understanding in the Village  
9 -- I came up with the amendments concerning the  
10 clarifications of the existing Code. It's my  
11 understanding the Building Department and Fire  
12 Department came up with the Tier II reporting language  
13 that they requested.

14 MR. GIUNTOLI: Tier II reporting is -- if  
15 you look at this list, there is certain amounts that  
16 would trigger the requirement for Tier II reporting.  
17 It's the first column.

18 CHAIRMAN KOPP: Got it.

19 MR. GIUNTOLI: The reportable quantities  
20 column. So, anyone that would, again, meet or exceed  
21 those amounts would be. I think we did a quick study  
22 of businesses in town that currently have to report  
23 their quantities, and I believe it's limited to -- I'm  
24 sorry, I don't have the list with me, but I believe

1 it's five or six companies currently. It's not very  
2 extensive.

3 Once again, this requirement is already  
4 in current code requirements. If you meet a Tier II  
5 limit, you have to report what you have. I believe  
6 it's on an annual basis?

7 MR. BAUGH: Yes.

8 MR. GIUNTOLI: Yeah, on an annual basis.

9 CHAIRMAN KOPP: What triggers the Special  
10 Use requirement?

11 MS. CHOI: So I actually printed these out  
12 so you could see the Code as is, so I'll just pass  
13 these out.

14 So if you look on Section 9-9-7,  
15 specifically under C-1, you can see that it says: Uses  
16 involving manufacture, storage, and utilization of  
17 materials and products.

18 The first text amendment is just  
19 amending the and to include and/or so that a use that  
20 just manufactures the product will be subject to  
21 Special Use. A use that stores the product would be  
22 subject to the Special Use. It doesn't -- the way the  
23 Code is currently written, the use has to do all three  
24 in order to be subject to Special Use.

1                   CHAIRMAN KOPP: We are only talking about  
2 products which decompose by detonation?

3                   MR. BAUGH: Correct.

4                   CHAIRMAN KOPP: What are those?

5                   MS. CHOI: Flammables --

6                   VICE-CHAIRMAN WAGNER: Gasoline. Any of the  
7 zenes.

8                   MS. CHOI: Flammables.

9                   MR. GIUNTOLI: The Code does -- the Building  
10 Code does list those as -- in certain classes and,  
11 again, it all depends on certain temperatures that the  
12 M.S.D. sheets indicate. So it could be a myriad of  
13 things. It could be something that only one or two  
14 people are going to propose. That's an unknown, of  
15 what product that would be.

16                   VICE-CHAIRMAN WAGNER: So what triggered the  
17 Special Use now? All of it?

18                   MS. CHOI: Yes. If you manufacture, store,  
19 and utilize all the materials.

20                   VICE-CHAIRMAN WAGNER: And in the future if  
21 we pass this it changes how?

22                   MS. CHOI: If you only manufacture, you will  
23 be subject to the Special Use; if you only store,  
24 you'll be subject to the Special Use; if you only

1 utilize, yes.

2 COMMISSIONER RUFFOLO: So it broadens the  
3 text under which it's a Special Use?

4 MS. CHOI: Yes.

5 MR. BAUGH: Significantly.

6 CHAIRMAN KOPP: Is there some minimal  
7 because, obviously, people use forklifts and stuff like  
8 that, I mean they use gasoline in manufacture -- I mean  
9 they use it, the trucks are there?

10 VICE-CHAIRMAN WAGNER: Is this where you get  
11 into the 55 gallons or less?

12 CHAIRMAN KOPP: But that's been deleted.

13 MS. CHOI: That's been deleted.

14 VICE-CHAIRMAN WAGNER: Oh.

15 CHAIRMAN KOPP: I'm not looking to pollute  
16 the Village, but I don't want every single manufacturer  
17 to have to come in here to get a Special Use.

18 VICE-CHAIRMAN WAGNER: So if you store -- I  
19 don't know the size of the tank that's used on a  
20 forklift, I think it's a 50-pound cylinder --

21 MR. GIUNTOLI: 80.

22 VICE-CHAIRMAN WAGNER: -- whatever size it  
23 is, are you now subject -- because of your using it in  
24 the process of your business, you have to now report

1 that or come to us for a Special Use to simply have  
2 propane storage for vehicles on site?

3 MR. GIUNTOLI: Good question.

4 MS. CHOI: Yes, it appears that way, that  
5 you would have to come for a Special Use permit.

6 VICE-CHAIRMAN WAGNER: Well, I would suggest  
7 then that we continue this hearing until July 8th until  
8 we can figure out how this affects everybody. This is  
9 frustrating, to say the least.

10 CHAIRMAN KOPP: Actually, the way I read the  
11 new sentence, and I do this for a living, I find it  
12 very confusing, and/ors. I think if you just change  
13 the ands to ors, it would actually work because no one  
14 can -- if it was or, I don't think anyone can claim  
15 that they manufacture and store it. I don't think or  
16 means only one. But I didn't -- the way it reads now,  
17 I don't think it's clear that all three categories  
18 apply to the products that decompose by detonation.

19 MR. BAUGH: The and/or was utilized because  
20 you could have a combination of two of those items.

21 CHAIRMAN KOPP: Right, but what you are  
22 proposing, that any single one would do it, so I don't  
23 see why you need and/or, I think just or. Especially  
24 the second and/or, materials or products. Because I

1       thought each one of these was like a separate category  
2       because you have these and/ors. You could create three  
3       little phrases. But I have a bigger issue about use  
4       and storage.

5                   COMMISSIONER KAUCKY: Did I hear someone  
6       mention how many businesses would be directly impacted  
7       by this?

8                   CHAIRMAN KOPP: That's now. It's going to  
9       be a hundred percent.

10                  COMMISSIONER KAUCKY: We are going to have  
11       to buy more file cabinets, first of all, because you  
12       are going to generate a lot more forms. I just don't  
13       understand the point of all this.

14                  CHAIRMAN KOPP: I violate this at my home  
15       with the gas can for my lawn mower. I know I'm not in  
16       the District.

17                  MR. GIUNTOLI: When I mentioned the several  
18       businesses, that was just referring to the Tier II  
19       reporting, that wasn't referring to this specifically.

20                  CHAIRMAN KOPP: Even the 55 gallons doesn't  
21       work because that says original sealed containers.

22                  VICE-CHAIRMAN WAGNER: Yeah. You better  
23       hire some more people on staff to deal with all the  
24       applications.

1                   COMMISSIONER KAUCKY: I just want to show a  
2 little caution before putting more burdens on our local  
3 business people. I want to be careful about that. It  
4 would really have to make a lot of sense to do it. I'm  
5 sorry, that's how I feel.

6                   COMMISSIONER RUFFOLO: Ann or Roy, are some  
7 of the things that are referenced in this report  
8 originated from the E.P.A. standards? Like the table,  
9 that's an E.P.A. table?

10                  MS. CHOI: That I'm not sure. Table IV.

11                  COMMISSIONER RUFFOLO: You are talking about  
12 hazardous chemicals, I believe.

13                  CHAIRMAN KOPP: As far as the reporting, if  
14 it's reporting they already have to do and you are just  
15 saying that they also have to report it to the Village,  
16 I don't think that's burdensome; but if we are adding  
17 new reporting requirements, I'd like to understand  
18 that.

19                  COMMISSIONER RUFFOLO: That's kind of what I  
20 was driving at. Are we adopting standards that are  
21 already set from the federal government and the E.P.A.?

22                  CHAIRMAN KOPP: Yeah.

23                  COMMISSIONER RUFFOLO: I don't know the  
24 answer to that.

1 CHAIRMAN KOPP: I don't.

2 COMMISSIONER RUFFOLO: Or, as you allude to,  
3 are we creating new reporting requirements that the  
4 E.P.A. doesn't require? And, again, I don't know that  
5 either. I'm not being critical.

6 MS. CHOI: No, we are not requiring more  
7 than what the E.P.A. requires.

8 COMMISSIONER RUFFOLO: Okay. That answers  
9 one of our questions. So these are report issues under  
10 the E.P.A. ordinances currently?

11 MS. CHOI: Yes.

12 MR. BAUGH: Correct.

13 COMMISSIONER RUFFOLO: So what are we doing  
14 generally speaking?

15 MR. BAUGH: What we are doing is we are  
16 taking -- So all these reporting requirements are  
17 contained in various Building Codes and Fire Codes and  
18 things like that. We are now taking that same  
19 reporting requirement, moving it into the Zoning Code.  
20 So if there is a failure to do this reporting, then  
21 that could be potentially an action by the Village  
22 against that entity to revoke their Special Use permit.

23 COMMISSIONER RUFFOLO: Okay. But it's not  
24 creating new ones?

1                   MR. BAUGH: No.

2                   COMMISSIONER RUFFOLO: It's Code defining  
3 perhaps?

4                   MR. BAUGH: Correct.

5                   COMMISSIONER RUFFOLO: Those that currently  
6 exist and are required of anyone doing business in the  
7 M-1 District via the E.P.A. standards?

8                   MR. BAUGH: Correct.

9                   VICE-CHAIRMAN WAGNER: That's fine. I think  
10 that's very clear. What's unclear is the requirement  
11 of Special Uses and the requirement of existing  
12 companies with hazardous material, propane, gasoline,  
13 on site for use in their construction business.

14                  MR. BAUGH: Again, the reporting  
15 requirements will apply to everyone that's in the M-1  
16 District provided they meet those threshold standards.  
17 The Special Use and the rest of the changes that are  
18 being made, those are not retroactive, those are going  
19 forward.

20                  CHAIRMAN KOPP: I'm still not in favor of  
21 that. Why would we want to discourage -- we don't --  
22 For retailers and whatnot, at least for me, I'm trying  
23 to limit the number of Special Uses. I don't think  
24 people should have to come in here every time they want

1 to do something in the village. I think we want to say  
2 we are a great village for business, you can do this.  
3 I don't want anyone that's going to use gasoline to  
4 have to come in here and get a Special Use.

5 VICE-CHAIRMAN WAGNER: That's the example.  
6 Propane for a forklift seems to be covered by this now.  
7 I mean you go to any M-1 building and they have a  
8 forklift, I guarantee you there is five or six  
9 cylinders of propane on site so they can run their  
10 forklift. And if this doesn't include that, I have no  
11 objection to it; but if it does include it and it  
12 requires them to come to us for a Special Use to have a  
13 product on hand to drive a vehicle that's a minor part  
14 of the total business, they are not manufacturing  
15 propane, that creates a whole lot of problems.

16 MS. CHOI: So in your handout that I gave  
17 you on the first page under B-1, they list all of the  
18 materials that would be subject. I mean it's not  
19 all-inclusive.

20 MR. GIUNTOLI: It does say but not limited  
21 to unfortunately. It does say not limited to at some  
22 point, so it's out there.

23 COMMISSIONER RUFFOLO: Let me ask a question  
24 in a different way.

1  
2                   MR. GIUNTOLI: We should determine what  
3 class of -- from a code standpoint which class this  
4 applies to, which class of combustible or flammable  
this applies to.

5                   COMMISSIONER RUFFOLO: In quantity class and  
6 quantity perhaps.

7                   The more general questions is: Can we  
8 compare this to ordinances that are acceptable in other  
9 communities right now? Is this far off of what  
10 everyone else is doing, and we are looking at this from  
11 a business competitive standpoint? Are we being far  
12 more restrictive in what's been written or proposed  
13 here than is in neighboring communities, for instance  
14 the Burr Ridge manufacturing district?

15                  MR. BAUGH: I'm not familiar with the  
16 Burr Ridge ordinance that you referred to with the  
17 exception of that they recently instituted additional  
18 Tier II reporting in their zoning district as well.

19                  COMMISSIONER RUFFOLO: Don't misread my  
20 question. It is not that I don't want to be  
21 restrictive and make sure we do things the right way  
22 and get the right reporting.

23                  MR. BAUGH: No.

24                  COMMISSIONER RUFFOLO: I simply want to know

1 at some point in time, not this moment, if we are  
2 creating something that is so far beyond everyone else  
3 that it might have a negative impact on the business  
4 community? That's the nature of my question.

5 MR. BAUGH: Okay.

6 COMMISSIONER RUFFOLO: Nothing more, nothing  
7 less. I'm all for regulation, certainly given the  
8 environment, and making sure we are protecting the  
9 community, that's what we want to do, and have them  
10 report directly, but not so far beyond the pale that  
11 nobody wants to do business here.

12 MR. BAUGH: Well, not to speak for staff,  
13 maybe what we can do is continue this hearing as well  
14 until the 10th, --

15 COMMISSIONER RUFFOLO: Sure.

16 MR. BAUGH: -- and we can all put our heads  
17 together over here and with others and vet this  
18 further --

19 COMMISSIONER RUFFOLO: I think that's a  
20 wonderful idea.

21 MR. BAUGH: -- and get you some answers.

22 CHAIRMAN KOPP: All right. Anybody else?

23 (No response.)

24 CHAIRMAN KOPP: I make a motion to continue

1 the public hearing for Zoning Hearing Case No. 19-05 to  
2 July 10th at 7:00 p.m.

3                   Anybody second?

4                   COMMISSIONER SOUKUP: Second.

5                   CHAIRMAN KOPP: I guess did I do it by  
6 verbal last time?

7                   SECRETARY SHEMROSKE: No, you did not do the  
8 second one verbal.

9                   CHAIRMAN KOPP: Please call the roll.

10                  SECRETARY SHEMROSKE: Commissioner Remkus.

11                  COMMISSIONER REMKUS: Yes.

12                  SECRETARY SHEMROSKE: Commissioner Soukup.

13                  COMMISSIONER SOUKUP: Yes.

14                  SECRETARY SHEMROSKE: Commissioner Ruffolo.

15                  COMMISSIONER RUFFOLO: Yes.

16                  SECRETARY SHEMROSKE: Commissioner Kaucky.

17                  COMMISSIONER KAUCKY: Yes.

18                  SECRETARY SHEMROSKE: Commissioner Walec.

19                  COMMISSIONER WALEC: Yes.

20                  SECRETARY SHEMROSKE: Vice-Chairman Wagner.

21                  VICE-CHAIRMAN WAGNER: Yes.

22                  SECRETARY SHEMROSKE: Chairman Kopp.

23                  CHAIRMAN KOPP: Yes.

24                  All right. That's it for that matter.

1 (Whereupon, the proceedings.

2 in the above-entitled cause

3 were recessed to Wednesday

4 July 10, 2019, at 7:00 p.m.)

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1 STATE OF ILLINOIS        )  
2                            )    SS.  
3 COUNTY OF C O O K        )

4                            Maureen K. Nagle, a Certified Shorthand  
5 Reporter, doing business in the City of Chicago, County  
6 of Cook, and the State of Illinois states that she  
7 reported in shorthand the proceedings had at the  
8 foregoing hearing;

9                            And that the foregoing is a true and correct  
10 transcript of her shorthand notes so taken as aforesaid  
11 and contains all the proceedings had at the said  
12 hearing.

13

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15

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MAUREEN K. NAGLE, CSR  
CSR No. 084-002863

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**LAW AND ORDINANCES COMMITTEE MEETING**  
**AGENDA ITEM SUMMARY SHEET**

**AGENDA ITEM DESCRIPTION**

**DISCUSSION – PROPOSED TEXT AMENDMENT TO CLARIFY THE DEFINITION FOR BUILDING HEIGHT – SECTION 9 CHAPTER 2**

**COMMITTEE REVIEW**

- Finance/Administration
- Municipal Services
- Public Safety
- Law & Ordinances

Meeting Date:

July 2, 2019

<input type="checkbox"/> Discussion Only	<input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date)
<input checked="" type="checkbox"/> Seeking Feedback	<input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board)
<input type="checkbox"/> Regular Report	<input type="checkbox"/> Report/documents requested by Committee

**BACKGROUND**

Section 9, Chapter 2 of our Village code has a definition for Building Height. Staff is recommending the Village clarify the definition for Building Height for clear and concise interpretation. The current definition reads as follows:

**BUILDING HEIGHT:** The height in feet shall be taken as the vertical distance from the average grade adjacent to the building to the highest point of the building. In determining height, parapet walls not exceeding three feet (3') in height from the roof surface, penthouse, roof tanks, bulkheads, chimneys and similar roof structures shall not be included unless the aggregate area of such structures exceeds one-third (1/3) of the area of the roof of the building.

Staff would propose the following enhancement:

**PROPOSED:**

**BUILDING HEIGHT:** The height in feet shall be taken as the vertical distance from the average grade adjacent to the building to the highest point of the building. In determining height, parapet walls not exceeding three feet (3') in height from the roof surface, penthouse, roof tanks, bulkheads, chimneys and similar roof structures shall not be included in calculating building height unless said structure(s) exceed ten feet (10') above ~~be included unless the aggregate area of such structures exceeds one-third (1/3) of the area of~~ the roof of the building.

**STAFF RECOMMENDATION**

Staff seeks direction to refer this item to the Plan Commission for its consideration.

## LAW AND ORDINANCES COMMITTEE MEETING

### AGENDA ITEM SUMMARY SHEET

Item 7

AGENDA ITEM DESCRIPTION	Category
<b>DISCUSSION – CODE ENHANCEMENTS TO REQUIRE HAZARDOUS MATERIALS REPORTING AND OPERATIONAL PERMITS</b>	<input type="checkbox"/> Finance/Administration <input type="checkbox"/> Municipal Services <input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Law & Ordinances
	<u>Meeting Date:</u> July 2, 2019
<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Seeking Feedback <input type="checkbox"/> Regular Report	<input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date) <input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board) <input type="checkbox"/> Report/documents requested by Committee

#### BACKGROUND

The Village of Willowbrook utilizes TPI Building Consultants, Inc (TPI) for our Village building plan review and building inspection services. Representatives from TPI worked with the Village of Lombard on the development of a Hazardous Materials Reporting and Operational Permit System. Lombard representatives have supplied the Village of Willowbrook with samples of their program including the following items:

- 1) Letter to occupant to explain the process,
- 2) Renewal letter sent annually,
- 3) Permit Application,
- 4) Fee Schedule,
- 5) Hazardous Materials Inventory Statement,
- 6) Village Ordinance pertaining to the hazardous materials requirements.

Staff would recommend that the Village of Willowbrook consider a similar program for our community. As a comparison the Village of Lombard issued 30 Operational Permits in 2018 for a community of 43,745 people. Staff would recommend amending our code and establishing a yearly Operational Permit with the associated reporting and fee requirements.

Section 430 ILCS 45 / Illinois Chemical Safety Act allows for the establishment of an orderly system to assure that responsible parties are adequately prepared to respond to the release of chemical substances into the environment and improves the ability of State and Local authorities to respond to such releases.

The Village of Willowbrook's Fire Code could be modified to require that any firm that maintains, stores, or handles hazardous materials, or conduct processes which produce conditions hazardous to life and property, apply for and be issued an Operational Permit with associated fees. This would allow the Village to gather information on the identified chemicals so that the requirements for the use and storage of hazardous materials, as defined by the International Fire Code, can be met.

The Village of Willowbrook's Fire Code would require an Operational Permit to be issued and renewed annually for those occupancies that exceed the allowable quantities of identified hazardous materials at their facility.

This situation would require firms to make application for a Village issued Operational Permit for the sole purpose of making preparations to manage a heightened safety risk in your facility due to one or more of the following issues:

- Hazardous or flammable materials or processes
- High Fire Loads
- Materials or processes that have unique fire management characteristics

#### **STAFF RECOMMENDATION**

Staff recommends updating our code to establish hazardous materials reporting requirements and operational permits and seeks direction from the Committee.



# Lombard Fire Department

## Bureau of Fire Prevention

255 E. Wilson Avenue, Lombard, IL 60148 – 630.620.5750

**To:** Property Owner/Manager  
**From:** Perry Johnson, Fire Marshal / Bureau Chief  
**Subject:** Hazardous Materials Reporting Requirements & Operations Permits

Section 430 ILCS 45 / Illinois Chemical Safety Act, as amended, purposed the establishment of an orderly system to assure that responsible parties are adequately prepared to respond to the release of chemical substances into the environment and improves the ability of State and Local authorities to respond to such releases.

The Village of Lombard's Code of Ordinances, Title XV, Section 105.1.2, as amended, requires that any firm that maintains, stores, or handles hazardous materials, or conduct processes which produce conditions hazardous to life and property, apply for and be issued an Operational Permit in accordance with the schedule as outlined in the Fee Ordinance referred to in Section 105.6. This allows the Fire Department to gather information on the identified chemicals so that the requirements for the use and storage of hazardous materials, as defined by the International Fire Code, can be met.

The Village of Lombard's Fire Code requires an Operational Permit to be issued and renewed annually for those occupancies that exceed the allowable quantities of identified hazardous materials at their facility.

This situation will require you to make application for a Fire Department issued Operational Permit for the sole purpose of making preparations to manage a heightened safety risk in your facility due to one or more of the following issues:

- Hazardous or flammable materials or processes
- High Fire Loads
- Materials or processes that have unique fire management characteristics

### Completing the Hazardous Material Inventory Statement

To assist our Department in fulfilling its responsibilities under these requirements, we are requesting that you perform the following if you have quantities of hazardous chemicals equal to or greater than what is defined in the Fee Schedule.

The Hazardous Material Inventory Statement (HMIS) documents the information required by the Fire Department for determining the applicable Lombard Fire Code requirements. Document hazardous materials that are stored or used indoors and outdoors at a given location on a separate HMIS. For example, if a business stores permitted quantities of a corrosive liquefied gas outdoors and flammable liquids indoors, the gases stored outdoors will be documented on one HMIS. A second HMIS will be prepared for the indoor storage. When completing the quantity field, state the largest maximum quantity that may be on site.

This information is beneficial to our Firefighters when responding to a fire or other emergency at your facility. If your firm does not use or produce any hazardous chemicals, you still must complete the general information requested. **If you have no reportable quantities of hazardous materials**, enter "NO REPORTABLE QUANTITIES" on the Inventory Statement.

If the information you provide indicates that your firm is a user, producer, or otherwise handles hazardous chemicals or materials, and the chemicals or materials on site meet or exceed the specified quantities, we will be contacting your for further information. This may include specific locations of the chemicals at your facility; MSDS's or to schedule a fire inspection.

**What can be excluded from the HMIS?**

- Storage and use of less than 500 pounds of aerosols
- Office supplies such as; copier toner or correction fluid
- Cleaning products intended for consumer use
- Inert compressed gases
- Solder and solder flux
- Automotive batteries.

Any questions and/or concerns regarding this matter can be directed to the Lombard Fire Department's Fire Prevention Bureau at 630-873-4586.

Thank you in advance for your cooperation.

**Compressed Gases. Section 105.6.8**

An operational permit is required:

Compressed gas. Storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of amounts listed in Table 105.6.8

Exception: Vehicles equipped for and using compressed gas as a fuel to propel the vehicle

**Cryogenic Fluids. Section 105.6.10**

An operational permit is required:

To produce, store, transport onsite, use, handle or dispense cryogenic fluids in excess of the amount listed in Table 105.6.10

**Hazardous Materials. Section 105.6.20**

An operational permit is required to:

Store, transport onsite, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20

**Flammable and combustible liquids. Section 5701.4**

An operational permit is required:

1. To use or operate a pipeline for the transportation with facilities or flammable or combustible liquids. This requirement shall not apply to the offsite transportation (DOTn) (see section 3501.1.2) nor does it apply to piping systems (see section 3503.6)

2. To store, handle or use of Class I liquids in excess of 5 gallons (19L) in a building or in excess of 10 gallons (37.9L) outside of a building, except that a permit is not required for the following:

2.1 The storage or use of Class I liquids in the fuel tanks of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant unless such storage, in the opinion of the Fire Official would cause an unsafe condition.

2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95L) in a building or in excess of 60 gallons (227L) outside a building, except for fuel oil used in connection with oil-burning equipment.

4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by means other than the approved, stationary on-site pumps normally used for dispensing purposes.

5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

6. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible tank.

7. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than for which the tank was designed and constructed.

8. To manufacture, process, blend, or refine flammable or combustible liquids.



# Lombard Fire Department

## Bureau of Fire Prevention

255 E. Wilson Avenue, Lombard, IL 60148 – 630.620.5750

Dear Business Owner:

Lombard Fire Department is in the process of renewing Hazardous Materials Operational Permits and updating the records of business in the community which have hazardous materials beyond the allowable threshold on their property.

The Village of Lombard's Fire Code requires an Operational Permit be issued and renewed annually for those occupancies that exceed the allowable quantities of identified hazardous materials at their facility.

Enclosed is the Hazardous Materials Reporting Handbook. Please complete the following documents and return them to Lombard Fire Department in the enclosed envelope:

- ◆ Emergency Contact Form
- ◆ Operational Permit Application (signature required)
- ◆ Hazardous Materials Inventory Statement (signature required)

On the Hazardous Materials Inventory Statement, you may indicate A) If your business does not have any hazardous materials on site or B) If the hazardous materials information you previously reported to Lombard Fire Department has not changed. If the information has not changed, you do not need to complete the chemical breakdown section.

Please do not include a check with your paperwork. We will review the hazardous materials at your location and, if applicable, determine the fee according to the Fee Schedule and then bill your organization.

Thank you for your attention to this important safety issue.

If you have any questions, please feel free to contact our office at 630-873-4586.

Sincerely,

Perry Johnson, Fire Marshal / Bureau Chief  
Lombard Fire Department



# Lombard Fire Department

## OPERATIONAL PERMIT APPLICATION

---

### Part I

#### To Be Completed By Applicant

An Operational Permit is required to manufacture, store, dispense, use, or handle hazardous materials categories listed in the Fee Schedule, in excess of the amounts indicated. If you require assistance, or would like more information, contact the Lombard Fire Department's Bureau of Fire Prevention at 630-873-4586.

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Address of Premises for which Operational Permit is requested:  Same as above

Other (specify): \_\_\_\_\_

#### Signature of Applicant

I hereby certify that I, as Applicant, if I am not the owner of the property in relation to which this application is being filed, have obtained the permission of the owner of said property to file this application.

---

Signature of Applicant or Authorized Representative's Signature

Date

---

Printed Name and Title of Person Signing Application

---

### Part II For Office Use

List Hazardous Category (from Fee Schedule) \_\_\_\_\_

Inspection Required?  Yes  No

Operational Permit Issued By: \_\_\_\_\_

Date Operational Permit Issued: \_\_\_\_\_ Date Operational Permit Expires: \_\_\_\_\_

Permit Fee (if applicable) \$ \_\_\_\_\_



## LOMBARD FIRE DEPARTMENT

**Dear Building Owner/Occupant**

Current file information is required for emergency contact situations and mailing fire prevention bureau correspondence.

**Please read and complete this business file information form in its entirety and return it to our office within the next two weeks.** Any information provided is confidential and will be used only to enhance communications between the Lombard Fire Department and you.

**Mail To:** Lombard Fire Department  
 Fire Prevention Bureau  
 255 E. Wilson Avenue  
 Lombard, IL 60148

email to: [weatherheadt@villageoflombard.org](mailto:weatherheadt@villageoflombard.org)  
 OR fax to: 630-629-2374

Lombard Business Name \_\_\_\_\_ Premises Phone ( ) \_\_\_\_\_

Lombard Business Address \_\_\_\_\_ Unit # \_\_\_\_\_

Type of Business \_\_\_\_\_

Indicate where correspondent should be sent \_\_\_\_\_ Same as above \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State, \_\_\_\_\_ Zip \_\_\_\_\_

E-mail Address \_\_\_\_\_

Mail correspondence to the attention of: Name \_\_\_\_\_

Building Owner  Tenant  Business Manager (Check all that apply)

The following information should indicate who the **LEGAL OWNER** of the building is

Building Owner Name \_\_\_\_\_ Phone ( ) \_\_\_\_\_ e-mail \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Please indicate below who to contact during non-business hours should the need arise. List three (3) names if applicable with closest contact person listed first. Should we require immediate assistance at your business, we will contact them first:

Name \_\_\_\_\_ Title \_\_\_\_\_ Phone \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_ Phone \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_ Phone \_\_\_\_\_

4-1.

**Lombard Fire Department**  
**Bureau of Fire Prevention**  
**Fee Schedule**

	Description	Permit Required (yes or no)	Permit Fee	IFC Code Reference																
A	An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.	Yes	\$75	2801.2																
B	A permit is required to install stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L).	Yes	\$75	107.2																
C	An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.	Yes	\$75	301.2																
D	An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	Yes	\$75	1301.2																
E	An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m <sup>3</sup> ). Exception: A permit is not required for agricultural storage.	Yes	\$75	2901.3																
F	An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle. <b>PERMIT AMOUNTS FOR COMPRESSED GASES</b> <table style="margin-left: 20px;"> <thead> <tr> <th>TYPE OF GAS</th> <th>AMOUNT (cubic feet at NTP)</th> </tr> </thead> <tbody> <tr> <td>Corrosive</td> <td>200</td> </tr> <tr> <td>Flammable; except cryogenic fluids and liquefied petroleum gases</td> <td>200</td> </tr> <tr> <td>Highly toxic</td> <td>Any Amount</td> </tr> <tr> <td>Inert and simple asphyxiates</td> <td>6,000</td> </tr> <tr> <td>Oxidizing (including oxygen)</td> <td>504</td> </tr> <tr> <td>Toxic</td> <td>Any Amount</td> </tr> </tbody> </table>	TYPE OF GAS	AMOUNT (cubic feet at NTP)	Corrosive	200	Flammable; except cryogenic fluids and liquefied petroleum gases	200	Highly toxic	Any Amount	Inert and simple asphyxiates	6,000	Oxidizing (including oxygen)	504	Toxic	Any Amount	Yes	\$75	3001.2		
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	<b>TYPE OF CRYOGENIC FLUID</b> <table style="margin-left: 20px;"> <thead> <tr> <th>Inside Building</th> <th>Outside Building</th> </tr> <tr> <th>(gals)</th> <th>(gals)</th> </tr> </thead> <tbody> <tr> <td>Flammable</td> <td>More than 1</td> <td>60</td> </tr> <tr> <td>Inert</td> <td>60</td> <td>500</td> </tr> <tr> <td>Oxidizing (includes oxygen)</td> <td>10</td> <td>50</td> </tr> <tr> <td>Physical or health hazard not indicated above-----</td> <td>Any Amount</td> <td></td> </tr> </tbody> </table>	Inside Building	Outside Building	(gals)	(gals)	Flammable	More than 1	60	Inert	60	500	Oxidizing (includes oxygen)	10	50	Physical or health hazard not indicated above-----	Any Amount		Yes	\$75	3201.2
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	Description	Permit Required (yes or no)	Permit Fee	IFC Code Reference
H	An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.	Yes	\$75	1201.2
I	An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material.	Yes	\$75	3301.2
J	An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m <sup>2</sup> ) using Class I or Class II liquids.	Yes	\$75	1501.2
K	An operational permit is required to operate a fruit-or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.	Yes	\$75	1601.2
L	An operational permit is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.	Yes	\$75	1701.2
M	<p>1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOTn) (see Section 3501.1.2) nor does it apply to piping systems (see Section 3503.6).</p> <p>2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:</p> <p>2.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the code official, would cause an unsafe condition.</p> <p>2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.</p> <p>3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.</p> <p>4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.</p> <p>5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.</p>	Yes	\$75	3401.4

	Description	Permit Required (yes or no)	Permit Fee	IFC Code Reference																																																								
M	<p>6. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.</p> <p>7. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.</p> <p>8. To manufacture, process, blend or refine flammable or combustible liquids.</p>	Yes	\$75	3401.4																																																								
N	<p>An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below.</p> <p><b>PERMIT AMOUNTS FOR HAZARDOUS MATERIALS</b></p> <table> <thead> <tr> <th>TYPE OF MATERIAL</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>Combustible liquids</td> <td>See flammable and Combustible materials</td> </tr> <tr> <td>Corrosive materials</td> <td></td> </tr> <tr> <td>    Gases</td> <td>see compressed gases</td> </tr> <tr> <td>    Liquids</td> <td>55 gallons</td> </tr> <tr> <td>    Solids</td> <td>1000 pounds</td> </tr> <tr> <td>See Section 105.6.10</td> <td></td> </tr> <tr> <td>55 gallons</td> <td></td> </tr> <tr> <td>1000 pounds</td> <td></td> </tr> <tr> <td>Flammable solid materials</td> <td>100 pounds</td> </tr> </tbody> </table> <p><b>Unstable (reactive) materials</b></p> <table> <thead> <tr> <th>Liquids</th> <th></th> </tr> </thead> <tbody> <tr> <td>    Class 4</td> <td>any amount</td> </tr> <tr> <td>    Class 3</td> <td>any amount</td> </tr> <tr> <td>    Class 2</td> <td>5 gallons</td> </tr> <tr> <td>    Class 1</td> <td>10 gallons</td> </tr> <tr> <td>Solids</td> <td></td> </tr> <tr> <td>    Class 4</td> <td>any amount</td> </tr> <tr> <td>    Class 3</td> <td>any amount</td> </tr> <tr> <td>    Class 2</td> <td>50 pounds</td> </tr> <tr> <td>    Class 1</td> <td>100 pounds</td> </tr> </tbody> </table> <p><b>Water-reactive Materials</b></p> <table> <thead> <tr> <th>Liquids</th> <th></th> </tr> </thead> <tbody> <tr> <td>    Class 3</td> <td>any amount</td> </tr> <tr> <td>    Class 2</td> <td>any amount</td> </tr> <tr> <td>    Class 1</td> <td>10 gallons</td> </tr> <tr> <td>Solids</td> <td></td> </tr> <tr> <td>    Class 3</td> <td>any amount</td> </tr> <tr> <td>    Class 2</td> <td>50 pounds</td> </tr> <tr> <td>    Class 1</td> <td>500 pounds</td> </tr> </tbody> </table>	TYPE OF MATERIAL	AMOUNT	Combustible liquids	See flammable and Combustible materials	Corrosive materials		Gases	see compressed gases	Liquids	55 gallons	Solids	1000 pounds	See Section 105.6.10		55 gallons		1000 pounds		Flammable solid materials	100 pounds	Liquids		Class 4	any amount	Class 3	any amount	Class 2	5 gallons	Class 1	10 gallons	Solids		Class 4	any amount	Class 3	any amount	Class 2	50 pounds	Class 1	100 pounds	Liquids		Class 3	any amount	Class 2	any amount	Class 1	10 gallons	Solids		Class 3	any amount	Class 2	50 pounds	Class 1	500 pounds	Yes	\$150	2701.5
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	Description	Permit Required (yes or no)	Permit Fee	IFC Code Reference
O	An operational permit is required for: 1. Storage and use of LP-gas. <i>Exception:</i> A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3.  2. Operation of cargo tankers that transport LP-gas.	Yes 0-499 gals 500 or more gals	\$0 \$75	3801.2
P	An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.	Yes	\$75	3601.2
Q	An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m <sup>3</sup> ) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.	Yes	\$75	315.1
R	An operational permit is required for any organic coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.	Yes	\$75	1501.2
S	An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.	Yes	\$75	4201.2
T	An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceed 2,500 cubic feet (71 m <sup>3</sup> ) of total volume of scrap tires and for indoor storage of tires and tire byproducts.	Yes	\$75	2501.2
U	An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m <sup>3</sup> ).	Yes	\$75	107.2



## HAZARDOUS MATERIALS INVENTORY STATEMENT

Business Name:  
Lombard Address  
Phone:

Page \_\_\_\_\_ of \_\_\_\_\_  
Location Indoors: \_\_\_\_\_  
Location Outdoors: \_\_\_\_\_

100

Page \_\_\_\_\_ Location Indoors: \_\_\_\_\_ Location Outdoors: \_\_\_\_\_

111

114

Include GHS Safety Data Sheets for each chemical.

I certify that no hazardous materials are located on the above premises.

I certify that no hazardous materials information has changed from what was previously reported to Lombard Fire Department (the above chemical breakdown section does not need to be completed).

Completed By: \_\_\_\_\_

Completed By:

(Printed Name)

(Signature)

- 1 -

Date:

REPORTABLE QUANTITIES OF HAZARDOUS MATERIALS (Quantities equal to or greater than listed)			
MATERIAL	D.O.T. CLASS.	HOW or WHERE MATERIAL IS STORED OR USED	REPORTABLE AMOUNT
<b>CLASS 1 - EXPLOSIVES</b>			
			*=See Lombard Fee Schedule for further information
Explosive Materials:	**	**=Consult w/AHJ for storage & Classification	Any Amount
<b>CLASS 2 - GASES</b>			
<b>Aerosols:</b> Level 2 or 3	2.1	Inside / Outside	500 Lbs
Cryogenic - Flammable	2.1	Inside / Outside	Any Amount
Flammable Gas (except LPG or LNG)	2.1	Inside / Outside	200 cu ft
Liquified Natural Gas (LNG)	2.1	Inside / Outside	5 Gals Water Capacity
Liquified Petroleum Gas (LPG)	2.1	Inside / Outside	Any Amount *
Pyrophoric Gas	2.1	Inside / Outside	Any Amount
Cryogenic - Inert (Inside/Outside)	2.2	Inside / Outside	Any Amount
Cryogenic - Oxidizing (Inside/Outside)	2.2	Inside / Outside	Any Amount
<b>Oxidizing Gas (Including Oxygen)</b>	2.2	Inside / Outside	504 cu ft @ NTP
Inert, Simple <b>Asphyxiant</b> , Non-Flam, Non-Toxic	2.2	Inside / Outside	6,000 cu ft
<b>Cryogenic - Toxic (Inside/Outside)</b>	2.3	Inside / Outside	Any Amount
Toxic or Highly Toxic Gas	2.3	Inside / Outside	Any Amount
<b>CLASS 3 - FLAMMABLE / COMBUSTIBLE LIQUIDS</b>			
Flammable Liquids (Class 1A, 1B & 1C)	3	Inside / Outside	5 Gallons/10 Gallons *
Combination Flammable Liquids (1A/1C, 1B/1C)	3	Inside / Outside	5 Gallons/10 Gallons *
Combustible Liquids: Class II or IIIA	3	Inside / Outside	25 Gal. / 60 Gals.
Combustible Liquids: Class IIIB (IFC 2009 - Pg 7)	3	Any Where	3,300 Gallons
<b>CLASS 4 - FLAMMABLE SOLIDS / SPONTANEOUSLY COMBUSTIBLE MATERIAL / DANGEROUS WHEN WET / WATER REACTIVE</b>			
Flammable Solid	4.1	Any Where	100 lbs
Spontaneously Combustible Material (Bul. 9)	4.2	Any Where	100 LBS.
<b>UNSTABLE REACTIVE - LIQUID</b>			
CLASS 1	4.2	Liquid	10 Gals.
CLASS 2	4.2	Liquid	5 Gals.
CLASS 3 & 4	4.2	Liquid	Any Amount
Pyrophoric - Liquid	4.3	Liquid	Any Amount
<b>UNSTABLE REACTIVE - SOLID</b>			
CLASS 1	4.2	Solid	100 LBS.
CLASS 2	4.2	Solid	50 LBS.
CLASS 3 & 4	4.3	Solid	Any Amount
<b>WATER REACTIVE - LIQUID</b>			
CLASS 1	4.2	Liquid	10 Gals
CLASS 2	4.2	Liquid	Any Amount
CLASS 3	4.3	Liquid	Any Amount
Pyrophoric - Liquid	4.3	Liquid	Any Amount
<b>WATER REACTIVE - SOLID</b>			
CLASS 1	4.2	Solid	500 Lbs
CLASS 2	4.2	Solid	50 Lbs
CLASS 3	4.3	Solid	Any Amount

REPORTABLE QUANTITIES OF HAZARDOUS MATERIALS (Quantities equal to or greater than listed)			
MATERIAL	D.O.T. CLASS.	HOW or WHERE MATERIAL IS STORED OR USED	REPORTABLE AMOUNT
<b>CLASS 5 - OXIDIZING SUBSTANCES &amp; ORGANIC PEROXIDES</b>			
<b>OXIDIZERS</b>			
CLASS 4	5.1	Liquid	Any Amount
CLASS 3	5.1	Liquid	1 Gallon
CLASS 2	5.1	Liquid	10 Gallons
CLASS 1	5.1	Liquid	50 Gallons
CLASS 4	5.1	Solid	Any Amount
CLASS 3	5.1	Solid	10 lbs.
CLASS 2	5.1	Solid	100 lbs.
CLASS 1	5.1	Solid	500 lbs.
Cryogenic - Oxidizing (Inside/Outside)	2.2	Inside / Outside	Any Amount
Oxidizing Gas (Including Oxygen)	5.1	Gaseous	200 cu ft
<b>ORGANIC PEROXIDES</b>			
CLASS 1	5.2	Liquid	Any Amount
CLASS 2	5.2	Liquid	Any Amount
CLASS 3	5.2	Liquid	1 Gallon
CLASS 4	5.2	Liquid	2 Gallons
CLASS 1	5.2	Solid	Any Amount
CLASS 2	5.2	Solid	Any Amount
CLASS 3	5.2	Solid	10 lbs.
CLASS 4	5.2	Solid	20 lbs.
<b>CLASS 6 - TOXIC &amp; INFECTIOUS SUBSTANCES</b>			
CARCINOGENS	6.1	Any Where	Any Amount
Toxic (Poison) Material - Solid	6.1	SOLID	100 lbs.
Toxic (Poison) Material - Liquid	6.1	LIQUID	10 Gals.
Toxic (Poison) Material - Gas	6.1	GAS	Any Amount
Infectious Materials	6.2	Any Where	Any Amount
<b>CLASS 7 - RADIOACTIVE MATERIALS</b>			
Radioactive Material	7	Any Where	Any Amount
<b>CLASS 8 - CORROSIVE SUBSTANCES</b>			
CORROSIVE LIQUIDS	8	Any Where	55 Gallons
CORROSIVE SOLIDS	8	Any Where	1000 LBS.
CORROSIVE GAS (incl: Anhydrous Ammonia)	8	Any Where	200 Cu. Ft.
<b>CLASS 9 - MISC &amp; OTHER REGULATED MATERIALS (ORM)</b>			
IRRITATING MATERIAL (Liquid)	NRM	Any Where	1,000 Gal
IRRITATING MATERIAL (Solid)	NRM	Any Where	500 Lbs
COMBUSTIBLE FIBER (Loose)	NRM	Loose	100 cu ft
COMBUSTIBLE FIBER (Baled)	NRM	Baled	100 cu ft
Physical or health hazard not indicated above		Inside / Outside	Any Amount

## § 150.105 - Adoption by reference; amendments.

- (A) There is hereby adopted by the village a certain code known as "The International Fire Code", 2012 edition, including Appendix Chapters D, E, F, H, and J, as published by the International Code Council for the purpose of regulating and governing the safeguarding of life and property from fires and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises. The terms and conditions of the 2012 edition are hereby to be in full force and effect as adopted by the village in its entirety and subject to any amendments made thereto.
- (B) Not less than three copies of the code hereby adopted in subsection (A) above, in book form, have been filed in the office of the Village Clerk for use and examination by the public at least 30 days prior to the adoption of this Chapter, and that not less than three copies of said code are now filed in the office of the Village Clerk.
- (C) "The International Fire Code, 2012 edition", adopted pursuant to subsection (A) above, is amended as follows:

Sec. 101.1 Insert Village of Lombard

Sec. 102.4 shall read as follows: The design and construction of new structures to provide egress facilities, fire prevention and built in protection equipment shall, in part, comply...

Section 102.7.1 Change: to read as follows: Where differences occur between the provisions of this code and the referenced standards, the NFPA 101, Life Safety Code, the most restrictive shall apply.

Section 104.1 shall read as follows: The Fire Code Official acting as the authority having jurisdiction, shall have the authority to adopt and promulgate rules and regulations, to interpret and complement the provisions of this code and other applicable Ordinances, Codes and Standards, and to secure the intent thereof, and to designate requirements applicable because of local and climatic, and other conditions. Such rules shall not have the effect of waiving any fire and life safety requirements specifically provided in this Code or in any other applicable Ordinance, Code or Standard or of violating accepted engineering practice involving public safety.

Section 104.9 Add the following to the end of the last sentence...and approved in writing by an appropriate registered state licensed design professional.

Section 105.1.2 Types of Permits. Change (1) to read as follows; Operational Permit. An operational permit allows an applicant to conduct an operation(s) for which a permit is required by Section 105.6 in accordance with the schedule as outlined in the fee ordinances. A permit fee shall be charged annually for each type of operational permit in accordance with the

schedule as outlined in the fee ordinances. A permit shall constitute permission to maintain, store or handle materials; or to conduct processes which produce conditions hazardous to life or property.

DESCRIPTION	PERMIT REQUIRED (yes or no)	PERMIT FEE	IFC CODE REFERENCE
An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.	Yes	\$75	2801.2
A permit is required to install stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L).	Yes	\$75	107.2
An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy	Yes	\$75	301.2
An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing dusts as defined in Chapter 2	Yes	\$75	1301.2
An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m <sup>3</sup> ).  <i>Exception: A permit is not required for agricultural storage.</i>	Yes	\$75	2901.3

An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	Yes	\$75	3001.2
<b>PERMIT AMOUNTS FOR COMPRESSED GASES</b>			
TYPE OF GAS	AMOUNT (cubic feet at NTP)		
Corrosive	200		
Flammable (except cryogenic fluids & liquefied petroleum gases)	200		
Highly toxic	Any Amount		
Inert & simple asphyxiate	6,000		
Oxidizing (including oxygen)	504		
Toxic	Any Amount		

<p>An operation permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed below:</p> <p><i>Exception: Permits are not required for vehicles equipped for an using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.</i></p>		Yes	\$75	3201.2
TYPE OF CRYOGENIC FLUID				
	Inside Building (gals)	Outside Building (gals)		
Flammable	More than 1	60		
Inert	60	500		
Oxidizing (includes oxygen)	10	50		
Physical or health hazard not indicated above—	Any Amount			
<p>An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment</p>		Yes	\$75	1201.2

An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material.	Yes	\$75	3301.2
An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m <sup>2</sup> ) using Class I or Class II liquids	Yes	\$75	1501.2
An operational permit is required to operate a fruit-or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.	Yes	\$75	1601.2
An operational permit is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.	Yes	\$75	1701.2
1. To operate use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOTn) (see Section 3501.1.2) nor does it apply to piping systems (see Section 3503.6).  2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:  2.1 The storage or use of Class I liquids in	Yes	\$75	3401.4

the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the code official would cause an unsafe conditions.

2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

6. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank

7. To change the type of contents stored in a

flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.			
8. To manufacture, process, blend or refine flammable or combustible liquids.			
An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below.	Yes	\$150	2701.5
<b>PERMIT AMOUNTS FOR HAZARDOUS MATERIALS</b>			
TYPE OF MATERIAL	AMOUNT		
Combustible liquids	See flammable and Combustible materials		
<b>Corrosive Materials</b>			
Gases	see compressed gases		
Liquids	55 gallons		
Solids	1000 pounds		
See Section 105.6.10			
55 gallons			

1000 pounds				
Flammable solid materials	100 pounds			
<b>Unstable (reactive) Material</b>				
	Liquids			
Class 4		any amount		
Class 3		any amount		
Class 2		5 gallons		
Class 1		10 gallons		
	Solids			
Class 4		any amount		
Class 3		any amount		
Class 2		50 pounds		
Class 1		100 pounds		
<b>Water-Reactive Material</b>				
	Liquids			
Class 3		any amount		
Class 2		any amount		
Class 1		10 gallons		
	Solids			

Class 3	any amount			
Class 2	50 pounds			
Class 1	500 pounds			
An operational permit is required for:		Yes		3801.2
1. Storage and use of LP-gas. <i>Exception: A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3.</i>		0—499 gals 500 or more gals	0 \$75	
2. Operation of cargo tankers that transport LP-gas.				
An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.		Yes	\$75	3601.2
An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m <sup>3</sup> ) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.		Yes	\$75	315.1
An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.		Yes	\$75	1501.2

An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.	Yes	\$75	4201.2
An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceed 2,500 cubic feet (71 m <sup>3</sup> ) of total volume of scrap tires and for indoor storage of tires and tire byproducts.	Yes	\$75	2501.2
An operation permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m <sup>3</sup> ).	Yes	\$75	107.2

Section 105.1.2; Delete 1.1 and 1.2

Sec. 105.2.4 Change to read as follows: Action on Application: Permit criteria as format shall be developed by the Fire Code Official or his/her designee based on an analysis of the specific application or use, applicable provisions of the code and/or available technical data. The Fire Code Official or his/her designee shall cause to be made necessary inspections and tests to assure the use and activities meet the permit criteria. Costs for such inspections, research and tests are the responsibility of the applicant.

Section 105.6 Change to read as follows: Required Operational Permits. The Fire Code Official is authorized and may issue permits and charge fees for the operations set forth in Sections 105.6.1 through 105.6.46. A fee for each permit shall be paid as required, in accordance with the schedule as outlined in the fee ordinances.

Sec. 106.2 the first line shall read as follows: The Fire Code Official shall endeavor to make all of the required inspections, or the Fire Code Official shall accept reports of inspections by approved agencies or individuals. Approval of agencies or individuals is granted by the authority having jurisdiction.

Section 108 Board of Appeals. Delete in its entirety.

Section 109.4 Insert the following: misdemeanor, \$750.00, 0 days.

Section 110.1.1 Insert the following after "required by Section 311"...and other applicable Ordinances, Codes and Standards.

Section 110.2 Evacuation: Delete entire Section and insert: Unsafe Structures; Dangerous or Abandoned Buildings shall meet the requirements as enumerated in §150.200 through §150.207 hereof.

Section 113.2 Change to read as follows: A fee for each permit shall be paid as required, in accordance with the schedule as outlined in the fee ordinances.

Add Section 315.2.5 Removal of Packing and Waste Materials. No persons shall store in any building excess mounts of combustible empty packing cases, wooden or plastic pallets, barrels, boxes, rubber tires, shavings, excelsior, rubbish, paper bags, litter, hay, straw and similar combustibles. Aisleways and storage of the above mentioned combustibles necessary for the performance of business shall be kept in an orderly and neat manner. Combustible materials shall be removed daily or more often as is necessary to suitable vaults, bins, dumpsters, compactors or separate buildings. Such practices shall be as approved by the Fire Chief or his/her designee.

Add Section 503.7 Fire Apparatus Access Roads

Public Access and Fire Lanes on Private Property, Devoted to Public Use, shall be provided so that:

- (1) Public or private access for motor fire apparatus shall be provided around the building so that there may be proper operation of ladders and mechanically elevated mechanisms. Minimum width of the fire lanes shall be (20) feet with greater widths to accommodate vehicles when turning and laddering buildings.
- (2) Fire lanes on private property shall be approved by the Fire Chief or his/her designee and parking of motor vehicles otherwise obstructing such fire lanes or access routes shall be prohibited at all times. Permanent all-weather signs identifying fire lanes and access routes shall be posted as per Appendix Chapter D of the International Fire Code.
- (3) Public or private fire department access roads and ways shall be all weather, properly maintained and accessible at all times. All fire lanes shall be approved by the Fire Chief or his/her designee and shall meet the detailed engineering and construction specifications for public improvements as enumerated in the Village of Lombard Specifications Manual. See Section 154.402 for additional requirements.
- (4) Access roads shall be not less than fifteen (15) feet from the building and further if the

height of the building requires a greater set back to ladder the building.

(5) Access routes shall be continuous around the building.

- (a) This requirement may be modified by the Fire Chief or his/her designee where adequate building access openings and a complete fire suppression system are provided.
- (b) Where cul-de-sacs are permitted, paved turnaround diameters shall be not less than 94 feet in non-residential areas and 90 feet in residential areas. The maximum length of cul-de-sacs shall not exceed the lengths specified in Section 5 of Lombard's Subdivision and Development Ordinance.

506.1 Where Required. Change to read as follows: The Fire Chief or his/her designee shall require all new construction and existing buildings that are required to be equipped with an approved fire alarm system that consists of smoke and/or heat detection and all buildings or structures required to be equipped with automatic fire sprinkler or automatic fire extinguishing systems to have an approved key box system. The key box shall be of an approved type and shall contain keys necessary to allow the fire department to gain immediate access to a building in emergency situations without forcible entry.

Add Section 506.3 Location. The installation of the approved key box shall be approved by the Fire Code Official or his/her designee.

Section 510.1 Change to read as follows: Public Safety; Radio Amplification Systems in buildings shall meet the requirements as enumerated in § 150.350 through § 150.362 hereof.

Add Section 511 to read: Miscellaneous Provisions

Add Section 511.1 Hazardous Areas. Rooms used for storage, boiler or furnace rooms, fuel storage, janitors closets, maintenance shops and laundry equipment without automatic sprinkler protection shall be separated from other building areas by assemblies having a fire resistance rating of not less than one hour with appropriate protection of openings into the rooms.

Section 901.6.2 is deleted in its entirety and replaced with the following: Records. Records of all fire protection and life safety systems and equipment inspections, tests, and maintenance required by this Code, State law and/or the standards referenced in Table 901.6.1, shall be maintained on the premises for a minimum of three (3) years, and shall be provided to the Fire Code Official by the property owner or the property owner's agent electronically filing the inspection report through the Village's fire inspection records management system. Once an inspection report is electronically filed as required by this Section and an administrative fee in the amount \$12.00 is paid by the property owner or the property owner's agent to the Village's third-party inspection records management vendor, the inspection report shall be reviewed by

the Fire Code Official. Upon confirmation by the Fire Code Official that a property subject to inspection is in compliance with this Code, the Fire Code Official shall issue a certificate of compliance to the property owner or the property owner's agent. Fire protection and life safety systems and equipment are identified as follows:

- (a) Fire Alarm;
- (b) Fire Sprinkler (wet, dry, or pre-action);
- (c) Engineered and Pre-Engineered Suppression Systems;
- (d) Fire Pump;
- (e) Commercial Kitchen Hood Suppression System; and
- (f) Active Smoke Control System

Add to end of the first paragraph at Section 901.7 Systems out of service. Automatic fire protection systems shall not be out of service for more than eight (8) hours for additions, alterations, maintenance or repairs without the approval of the Fire Code Official or his/her designated representative.

Section 903.2 Where required: Shall be changed to read as follows: An approved automatic fire sprinkler system shall be installed and maintained in full operating condition in all parts of all buildings with the following exceptions:

- 8. Residential Dwellings and Townhouses defined and constructed under the scope of the International Residential Code, 2012 Edition.
- 9. Auxiliary structure (i.e.; detached garages, sheds) used in conjunction with residential occupancies, (use).
- 10. One (1) Story Buildings, without basements, having a total area of less than one thousand (1,000) square feet. This requirement shall not be reduced by fire wall separation.
- 11. Buildings or portions of buildings that comply with Section 406.5 Open Parking Garages.
- 12. Existing buildings: For the purpose of this section, occupancy shall be defined as the purpose for which a building or portion thereof is used or intended to be used in accordance with the International Fire Code, 2012 Edition.
  - a. When an addition or additions of 500 square feet or more in aggregate are added, increasing the total area to 2,500 square feet or more, an automatic sprinkler system shall be installed in the entire building.

Note: A fire alarm system installed in the complete building, to include smoke and or heat detection in accordance with NFPA 72 can be approved in place of a sprinkler system where the addition is less than 1,000 square feet (except for occupancy types A, F, H, I and R) as approved by the Fire Code Official.

(Ord. 6832, passed 5/16/13)

- b. When the occupancy (use) of a building of 2,000 square feet or more is changed to any of the following uses: assembly, educational, health care, child care, industrial, storage or residential, other than as exempted in Item (1) of this section, an automatic sprinkler system shall be installed in the entire building or in that portion of the building in which the change of occupancy occurred. Note: A fire alarm system installed in the complete building, to include smoke and or heat detection in accordance with NFPA 72 can be approved in place of a sprinkler system where the addition is less than 1,000 square feet (except for occupancy types A, F, H, I and R) as approved by the Fire Code Official.
- c. When the cost of remodeling would be greater than 50% of the market value of a building of 2,000 square feet or more, an automatic sprinkler system shall be installed. Market value of the structure shall be as established by the Township Assessor or by the average of two or more independent appraisals.

13. One-story self-service storage facilities of minimum Type IIB construction; no interior corridors, with a one-hour fire barrier separation wall installed between every storage compartment.

Delete Sections 903.2.1 through 903.2.10.1

Section 903.2.11.3 delete Exception #3

Add Section 903.3.5.3 Safety Factor: Provide a minimum 10% or 5 psi minimum safety factor in the fire protection system hydraulic calculation. The system demand shall be 5 psi minimum below the seasonal low water flow test supply.

Add Section 903.4.2.1 Visual: Provide a weather resistant visual alarm device installed on the exterior wall of the building above the Fire Department connection (FDC) to activate upon fire sprinkler system water flow only.

Section 903.4.3 change to read as follows: Approved supervised indicating control valves shall be required at the point of connection on each floor of all buildings containing a Type I standpipe connection.

Add Section 907.1.3.1 Equipment: All fire alarm control panels or full function annunciator panels shall be of the addressable type and shall be installed within ten (10) feet of the main entrance or within a location approved by the Fire Code official.

Section 907.4.2.4 Delete in its entirety.

Section 907.6.5 change to read as follows: Fire Protection System Supervision: All required fire protection systems shall be supervised by and terminate with the Village of Lombard Communications Center (DUCOMM), or such other central station monitoring service in accordance with NFPA 72 and approved by the Fire Code Official.

Exceptions: Supervisory Service is not required for:

- (1) Single and multiple station smoke alarms required by 907.2.11 of the International Building Code, 2012 Edition.
- (2) Automatic sprinkler systems protecting one and two family dwellings.
- (3) Smoke detectors in GROUP I-3 occupancies.

Section 907.8.5 is amended by deleting the last sentence of said Section and adding the following to the end of said Section: Records. Records of all fire protection and life safety systems and equipment inspections, tests, and maintenance required by this Code, State law and/or the standards referenced in Table 901.6.1, shall be maintained on the premises for a minimum of three (3) years, and shall be provided to the Fire Code Official by the property owner or the property owner's agent electronically filing the inspection report through the Village's fire inspection records management system. Once an inspection report is electronically filed as required by this Section and an administrative fee in the amount \$12.00 is paid by the property owner or the property owner's agent to the Village's third-party inspection records management vendor, the inspection report shall be reviewed by the Fire Code Official. Upon confirmation by the Fire Code Official that a property subject to inspection is in compliance with this Code, the Fire Code Official shall issue a certificate of compliance to the property owner or the property owner's agent. Fire protection and life safety systems and equipment are identified as follows:

- (a) Fire Alarm;
- (b) Fire Sprinkler (wet, dry, or pre-action);
- (c) Engineered and Pre-Engineered Suppression Systems;
- (d) Fire Pump;
- (e) Commercial Kitchen Hood Suppression System; and
- (g) Active Smoke Control System

Add Section 2301.7. Removal of Pumps: Upon the cessation of business of any automotive service station, the pumps used to dispense fuel shall be removed within 14 days of the cessation of business. Said requirements shall be abandonment or removal of underground tanks contained herein in Section 5704.2.13.

Section 202 Definitions. Add to the Fireworks definition: the term fireworks shall mean and include any explosive composition or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky rockets, Roman candles, bombs or other fireworks of like construction and any fireworks containing any explosive compound; or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects. The term "fireworks" shall not include snake or glow worm known as "party poppers", "booby traps", or "snappers", "trick matches", "cigarette loads" and "auto burglar alarms", toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than twenty-five hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

Section 5704.2.13 is deleted with the following added: Underground tanks taken out of service shall be safeguarded or disposed of by any one of the three following methods:

- (a) Placed in a "temporarily out of service" condition. Tank shall be rendered "temporarily out of service" only when it is planned that they will be returned to active service within time limits established by the Chief of Fire Department, or pending removal or abandonment within 45 days. Said 45 day limit may be extended by the Board of Trustees upon showing of good cause of such extension.
- (b) Abandoned in place with proper safeguarding.
- (c) Removed. Any such abandonment or removal of underground tanks shall occur within 45 days of the cessation of business.

4603.4.2 Delete this section in its entirety—Refer to § 150.030, Section 903.2.

(Ord. 5481, passed 5/6/04; Ord. 6602, passed 4/7/11) (Ord. 6709, passed 4/19/12; Ord. 6795, passed 2/7/13; Ord. No. 7061, Exh. A, passed 4-2-15; Ord. No. 7343, §§ 1, 2, passed 4-6-17)

**LAW AND ORDINANCES COMMITTEE MEETING**  
**AGENDA ITEM SUMMARY SHEET**

AGENDA ITEM DESCRIPTION	COMMITTEE REVIEW
<b>DISCUSSION – CODE ENHANCEMENTS TO REQUIRE THIRD PARTY ALARM NOTIFICATION FOR HAZARDOUS CHEMICALS</b>	<input type="checkbox"/> Finance/Administration <input type="checkbox"/> Municipal Services <input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Law & Ordinances <u>Meeting Date:</u> July 2, 2019
<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Seeking Feedback <input type="checkbox"/> Regular Report	<input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date) <input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board) <input type="checkbox"/> Report/documents requested by Committee
BACKGROUND	
<p>The Village of Willowbrook, in coordination with the Tri-State Fire Protection District, has worked with two existing Willowbrook facilities to provide third party alarm notifications for hazardous chemicals uses as part of an occupancy permit. Highline Auto Sales, located at 555 Executive Drive, has a carbon monoxide third party alarm notification system due to the inside storage of automobiles for sale by the dealership. The Willowbrook Ice Arena, located at 201 63<sup>rd</sup> Street, has an ammonia third party alarm notification system for their ice freezing system.</p>	
<p>Staff would recommend that we review our performance standards for third party alarm notifications for hazardous chemicals and codify the requirement as a formalized permit condition. This code enhancement would be reviewed in conjunction with the International Fire Code (IFC) Section 908 Emergency Alarm Systems, 908.1 Group H occupancies and 908.2 Group H-5 occupancies. A codified third party alarm permit requirement would alleviate concerns with self-reporting gaps and provide first responders with vital information for service calls.</p>	
STAFF RECOMMENDATION	
<p>Staff seeks direction from the Committee on this code enhancement concept.</p>	