



AGENDA

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

REGULAR MEETING OF THE LAWS AND ORDINANCES COMMITTEE TO BE HELD ON TUESDAY, DECEMBER 3, 2019, AT 6:00 P.M. AT THE POLICE DEPARTMENT TRAINING ROOM, 7760 QUINCY STREET, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES – November 5, 2019 (Approve)
4. UPDATES
5. DISCUSSION – Commercial Building Material Standards - Type V Construction
6. COMMITTEE REPORTS
7. VISITOR'S BUSINESS (Public comment is limited to three minutes per person)
8. ADJOURNMENT



MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON TUESDAY, NOVEMBER 5, 2019 AT 6:00 PM AT THE WILLOWBROOK POLICE DEPARTMENT, 7760 QUINCY STREET, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

Trustee Kelly called the meeting to order at the hour of 6:00 pm.

2. ROLL CALL

Those present at roll call were Trustee Kelly, Trustee Davi, Assistant Administrator Mertens, Village Attorney Bastian, and Building Official Roy Giuntoli. Also present was Trustee Berglund.

3. APPROVAL OF MINUTES

Minutes – Regular Meeting October 1, 2019

Trustee Davi made a motion to approve the minutes from the October 1, 2019, seconded by Trustee Kelly. All in favor.

MOTIONED CARRIED

4. UPDATES

a) Alarm Notifications for Hazardous Chemicals:

Assistant Administrator Mertens informed the Committee that the Village currently has two business, Highland Auto and the Ice Rink, that have hazardous chemical alarm notification systems. Staff recommends that we codify the requirement standards, however, additional research is needed before a draft ordinance can be prepared. Staff will work with Tri-State Fire Protection District to recommend standards for these alarm notification requirements. A draft ordinance will be presented to the Committee upon completion of the research and attorney review.

b) Definition of Cannabis in Village Code Title 5-Police Regulation-Section 5-3-20 and 5-2-23 as it relates to the Federal Agriculture Improvement Act of 2018 and the Cannabis Regulation and Tax Act.:

Assistant Administrator Mertens advised the Committee that the Village will need to update our ordinances to address changes in state law as it relates to CBD/cannabis products, usage, definitions and police enforcement sections of our code.

Village Attorney Bastian informed the Committee that the police misdemeanor chapter of code is in three sections, Sections 5-320, 5-323 and 5-324. The Village will need to

modify the criteria for adult-use cannabis possession and drug paraphernalia. Trustee Kelly stated these changes are due to recent amendments in the State statutes.

Trustee Davi inquired as to what the Village is doing our own prosecutions? Village Attorney Bastian advised that he is still discussing this item with the Police Chief. He is not sure if there are enough local ordinance violations to justify the expense for such a system. The cases are currently being sent to the County for prosecution.

- c) Plan Commission Text Amendment on Video Gaming Café Uses, Restaurant Definitions and Similar and Compatible Uses.

Assistant Administrator Mertens informed the Committee that the next Plan Commission meeting, November 6, 2019, is for a public hearing on the following text amendment:

- Video gaming café use and proposed locations in the B2, B3 and B4 Commercial Districts,
- Define: Restaurants,
- Define: Video Gaming Cafés,
- Similar and compatible use categories in the B2, B3 and B4 commercial districts.

The Village Board, on November 25, 2019, will also consider an update to the liquor ordinance to amend the following items:

- Define: Restaurants,
- Define: Video Gaming Cafés,
- Create a new Video Gaming Café Liquor License, Class O, at \$5,000.00 per establishment location (up from \$2,500),
- Create a new Restaurant Gaming Liquor License, Class P, at \$5,000.00 per establishment location (up from \$2,500),
- Video Gaming Licenses shall be Prohibited in Nail Salons and Spas that have obtained a Class N Liquor License.

The Village Board, on November 25, 2019, will consider an update to the gaming ordinance to amend the following items:

- Define: Restaurants,
- Define: Video Gaming Cafés,
- 2,640 linear feet (1/2 mile) separation between Video Gaming Cafes,
- Establish a non-refundable initial license application fee of \$1,500.00,
- Adjust Terminal Fee up from \$25 to \$500.00 for each video gaming terminal,
- Allow up to 6 Video Terminals, up from 5, per establishment.

The proposed Plan Commission recommendation will be presented to the Village Board on November 11, 2019. The three proposed ordinances referenced above will be brought before the Village Board on November 25th for formal consideration.

d) Polco Adult Use Cannabis Community Engagement Survey

Assistant Administrator Mertens advised the Committee that the adult-use cannabis survey is currently open for public input. The Village has received 181 responses as of today. The Village promoted the survey through the Library, local home owners associations, Facebook and our Village website. The survey will run through November 22, 2019. The Village Board will need to consider opting in or opting out on adult-use cannabis at the December 16, 2019 Village Board meeting.

5. DISCUSSION – The Definition of Attention Getting Devices in Village Code Title 9-Zoning Regulations-Section 9-2-2 Definitions

Assistant Administrator Mertens advised the Committee about a section of our code that discusses attention getting devices. Staff interprets items such as rope light, neon ban lighting and flashing lights, etc. as attention getting devices, which are not allowed by code. Staff suggests that we clarify our code through a text amendment to add in the specific category of rope lighting and neon bands as attention getting devices. This clarification will make easier for petitioners to understand what is allowed by Village Code. Village Attorney Bastian advised that the Village should define temporary lighting as well. The consensus of the Committee was to direct staff to present the Plan Commission with a text amendment to clarify the code requirement.

6. DISCUSSION – Reporting Requirements for Willowbrook Companies that File Form R Tier II Reports

There are five companies in the Village that have chemicals on site that require the filing of a Tier II report by the Illinois Emergency Management Agency. These reports are also required to be submitted to the local Fire Department. Assistant Administrator Mertens would propose a Village ordinance that would require companies who file Tier II reports to also supply a copy of these reports to the Village. This reporting documentation will provide valuable information for first responders who may need to respond to an incident.

7. DISCUSSION – Commercial Building Material Standards- Type V Construction

Building Official Giuntoli explained that Village Building Code and construction types. There are five different types of construction categories: 1) Type I Complete Fire Resistant, 2) Type II Non-combustible, 3) Type III Ordinary Construction 4) Type IV Heavy Timber, and 5) Type V Wood Frame Construction. The Village of Willowbrook currently does not allow any Type V construction for commercial / nonresidential developments. A survey of surrounding communities; Darien, Burr Ridge, Westmont, Hinsdale, Countryside and Lombard, do allow Type V commercial construction with certain conditions or amendments. The Village of Willowbrook is at a competitive disadvantage for commercial and multi-family development because of this code differential.

Building Official Giuntoli discussed how buildings could be protected by a fire suppression sprinkler system. There are three different categories: NFPA13, NFPA 13R, and NFPA 13D described in the handouts. Our neighboring communities have a variety of other amendments that provide for life safety, structural support and fire resistance designs. Staff suggest that we review our code standards to see if there are options that the Village should consider to ensure that the Village is not at a competitive disadvantage with respect to our codes, while still providing a sound code that ensures quality and life safety. Upon discussion, the consensus of the Committee was to direct staff to investigate options for code enhancements for further consideration by the Committee.

8. COMMITTEE REPORTS:

None.

9. VISITOR'S BUSINESS:

None.

10. ADJOURNMENT:

Trustee Davi made motion to adjourn, seconded by Trustee Kelly. All in favor. The meeting adjourned at 7:06 pm.

PRESENTED, READ and APPROVED

_____, 2019

CHAIRMAN

Minutes transcribed by Building and Zoning Secretary
Lisa J Shemroske

LAW AND ORDINANCES COMMITTEE MEETING

AGENDA ITEM SUMMARY SHEET

AGENDA ITEM DESCRIPTION	COMMITTEE REVIEW
DISCUSSION – Commercial Building Material Standards – Type V Construction	<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> December 3, 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

The Building Code is separated into five (5) types of Construction: I, II, III, IV, V.

- Non-Combustible: I, II, & Exterior Walls of III / [1, 2, & Exterior Walls of 3]
- Combustible: Interior & Exterior Elements of III, IV, V / [Interior & Exterior Elements of 3, 4, 5]

Types I, II, III and V construction are further subdivided into two categories (A and B). Type A and B construction are not defined in the code. The designations simply refer to the hourly fire-resistance rating required for the structural elements. A Type A designation will have a higher fire-resistance rating for the structural element than a Type B designation. In other than Type I construction, Types A and B are often referred to as protected and unprotected construction, respectively. Please note this A and B terminology does not refer to whether the building is protected by an installed automatic sprinkler system.

A Single-Family Residential (SFR) structure can be considered Type VB construction.

Type V construction can be defined as combustible construction. It allows the use of any structural element constructed from any material that is permitted by the ICC Building Code. Most wood-frame structures, including One- and Two-Family Residences (SFR), fall into this category. In a typical SFR, there are no fire-resistance rated assemblies (where portions of the structure have a fire rating).

In this general suburban area, for years, many surrounding municipalities have restricted Type V, or Wood Construction, for anything other than One- and Two-Family Residences. One can presume this is a matter of wanting to provide an extra measure of protection for all Commercial & Multi-Family Structures.

Currently the Village of Willowbrook does not allow Type V Construction for any "Commercial" (or Non-Residential or Multi-Family Residential) construction based on the ICC Building Code (IBC), as opposed to the Residential Building Code (IRC). Anything built under the IBC Code essentially consists of everything built, other than 'one & two family' dwelling residences. Research found that this Type V Construction restriction was adopted by Willowbrook around 1995.

Recently, the village has been approached by the developers of an Extended Stay Hotel requesting that the hotel be allowed to be built in Type V construction. Initially the Building Department stated that this was not allowed.

A survey by our Building Official finds that many of our surrounding DuPage County municipal neighbors have evolved to allow Type V construction with certain fire protection systems incorporated into the design to provide an enhanced level of fire protection. The Type V criteria meets the International Building Code design requirements.

The Village of Willowbrook currently restricts Type V construction for commercial developments. The Village allows all other 'non-combustible construction types to be used for our single / multi-story commercial, mixed use and hotel developments. The restriction of Type V construction classification puts the Village at a competitive disadvantage for commercial and multifamily residential developments.

- Hinsdale: Allows Type V (No amendments)
- Burr Ridge: Allows Type V (No amendments)
- Darien: Allows Type V (No amendments)
- Westmont: Allows Type V, w/ conditions or amendments
- Lombard: Allows Type V, w/ conditions or amendments
- Downers Grove: Does Not allow Type V

In all instances the building would be also be protected by a fire suppression sprinkler system as required by code. There are a wide range of occupancy classifications listed in the "Building" Code. These occupancy classifications that are detailed in the attached exhibit #1. It should be noted that a 'Hotel' falls under the R-1 classification.

A comparison of building codes from comparable municipalities is attached in exhibit #2.

STAFF RECOMMENDATION

Staff has been requested to review options for consideration by the Law & Ordinance Committee to allow for Type V construction alternatives for commercial, multi-family residential, mixed use and hotel developments.

There are several amendments staff would recommend if Type V was allowed. The proposed amendments are summarized in exhibit #3.

Exhibit #1

2018 International Building Code

OCCUPANCY CLASSIFICATIONS

A-1	theaters & concert halls with fixed seating
A-2	restaurant, night club, banquet hall, cafeteria
A-3	worship, recreation, amusement, community center, library, indoor pool
A-4	indoor events with spectator seating
A-5	outdoor events with spectator seating
B	Business, also assembly occupancy with 49 persons or less, training & skill development
E	6 or more, up to 12 th grade/ Daycare 6 or more, over 2 ½ yrs., less than 24 hr.
F-1	assemble, fabricate, repair (moderate hazard) Bakery, Dry-cleaning, Printing, Woodworking
F-2	Finish, process, package (light hazard) the fabrication/processing of non-combustible materials
H-1	Explosive materials "Bang" (detonation) must be a detached building
H-2	deflagration or accelerated burning ("Whoompf")
H-3	materials that readily support combustion or pose a physical hazard
H-4	corrosives, highly toxic materials
H-5	semiconductor fabrication
I-1	Assisted living, drug/alcohol rehabilitation, halfway house w/ 2 conditions
I-2	Hospital, detox facility, nursing home, foster care facility w/ 2 conditions
I-3	Jail, prison, detention center w/ 5 conditions
I-4	Child & adult daycare (caregivers are not related & less than 24 hr. care)
M	retail, food, department, 10 min. oil, tune-up, muffler & tire shops, fuel dispensing
R-1	hotel, motel, boarding, congregate living w/ more than 10 (**transient)
R-2	apartment, dormitories, live/work units (non-transient)
R-3	primarily permanent in nature, not class R-1, R-2, R-4, or I (regulated by residential code)
R-4	assisted living, halfway house (24-hour custodial* care for less than 17 residents)
S-1	moderate hazard, high fuel loads storage (motor vehicle repair, bulk storage of tires)
S-2	light hazard, the materials must be non-combustible, with the exception of combustible pallets, trim and packaging materials (parking garage)
U	agricultural building, retaining walls, greenhouse, private garage, tanks, towers

INSTITUTIONAL & *CUSTODIAL CARE FACILITIES

I-1

More than 16 (less than 16 is R-4)
24 hr basis/personal care service
Capable of self preservation
Supervised environment/Custodial Care*
Residential Care-Assisted Living-Alcohol Drug-Convalescent
Condition 1
Condition 2

I-2

6 or more
24 hr basis/custodial care
Not capable of self preservation
Hospital-Nursing Home-Detox Facility-Mental Hospitals
Condition 1
Condition 2

I-2 Child Care

6 or more
24 hr basis- 2 ½ years or less

I-3

6 or more under restraint or security
Incapable of self-preservation
Jails, Detention Center, Correctional

I-4 Day Care

6 or more-less than 24 hr-any age- custodial not parent or guardian

I-4 Adult Day Care

6 or more unrelated – less than 24 hr – supervised environment
*Facility where occupants are capable of responding to emergency w/o assistance from staff – **class as A-3 Day Care**

I-4 Child Day Care

More than 5 – supervised environment- less than 24hr – 2 ½ years or less

R-3 Adult or child

5 or less – 24 hr. basis/custodial care – any age
5 or less – 24 hr. basis/medical care – any age

R-4 Residential Care/Assisted Living

More than 5 less than 16 (excluding staff)
24 hr basis
Capable of self preservation
Supervised environment

Daycare

A-3, E, I-4, R-3

CHILD CARE

I-2 – more than 5 – 2 ½ yrs or less

I-4 – Less than 24 hr – more than 5 – 2 ½ yrs or less – supervision & personal care

R-3 – Less than 24 hr – 5 or less – any age (can use IRC)

DAY CARE

E – Less than 24 hr – 6 to 100 – 2 ½ yrs or less – exit to grade from each room

E – Less than 24 hr – 6 or more – older than 2 ½ yrs

I-4 – Less than 24 hr – any age – custodial care

ADULT CARE

I-4 – Less than 24 hr – 6 or more – supervision & custodial care

R-3 – Less than 24 hr – 5 or less

ASSISTED LIVING

I-1 – 24 hr – 17 or more – supervision & custodial care – can respond to emergency

R-4 – 6 to 16 – supervision & custodial care – can respond to emergency

*Custodial Care: assistance with day to day living; have the ability to respond to emergency

**Transient: not more than 30 days

Congregate Living: building with sleeping units; share kitchen & bath, transient/non-transient

Lodging House: one-family dwelling with permanent occupants-rent is paid for guest rooms

"Is" Type V Construction "Allowed" Comparison

(V = Construction Type 5, Combustible Components)

	Willowbrook	Burr Ridge *	Hinsdale *	Westmont *	Darien	Clarendon Hills	Countryside *	Downers Grove **	Lombard *
A	No	Yes	Yes	Yes	Yes	Yes	Yes	No	All Except 5B
B	No	Yes	Yes	Yes	Yes	Yes	Yes	No	All Except 5B
E	No	Yes	Yes	Yes	Yes	Yes	Yes	No	All Except 5B
F's	No	Yes	Yes	Yes	Yes	Yes	Yes	No	no, IIB only
H's	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No
I's	No	Yes	Yes	Yes	Yes	Yes	Yes	No	All Except 5B
M	No	Yes	Yes	Yes	Yes	Yes	Yes	No	All Except 5B
R's****	No	Yes *	Yes	Yes	Yes	Yes	Yes *	No	All Except 5B
S's	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No, IIB or IIBB only
U	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No, IIB or IIB only

Legend:

(" 's " above signifies there are multiple sub-categories under that 'main' category)

* = [various] Amendments apply

** = [various] "Exceptions" apply

*** = See separate document for expanded Occupancy Classifications descriptions

**** = R classification would apply as a 'Hotel' (A Hotel) is an R-1)

Municipality: Adopted Code: Summary of Amendments for Type V Construction

Willowbrook	2018 IBC	Currently, No Type V is allowed. Please see Exhibit [INSERT # HERE] for a list of proposed Amendments
Burr Ridge *	2012 IBC	All Occupancies require an Automatic Sprinkler (Fire Suppression System) and a Fire Alarm system.
Hinsdale *	2012 IBC	Reduced area requiring Automatic Sprinkler (Fire Suppression System). Fire Alarms required in all use Groups.
Westmont *	2012 IBC	Unit/Tenant Separation, Automatic Sprinkler (Fire Suppression System) modifications/additions, additional areas, monitoring. Reduced area requiring Automatic Sprinkler (Fire Suppression System). Fire Alarm system required for All New Occupancies/Buildings. Added required Smoke detectors in residential occupancies.
Darien	2015 IBC	None
Clarendon Hills	2015 IBC	None
Countryside *	2015 IBC	Reduced area requiring Automatic Sprinkler (Fire Suppression System). Fire Alarms required in all use Groups.
Downers Grove **	2015 IBC	Exceptions include: Rehab work limited to 35% total building square footage.
Lombard *	2012 IBC	Type V not allowed for F, S & U Occupancies. VB only allowed under "Residential" Code (IRC), not allowed with "Building" Code (IBC); this rule, for example, would apply to a Hotel. Type VA allowed for A, B, E, M, R-1, R-2, R-3 Occupancies when minimum fire department access requirements are met.

Exhibit #3

Proposed Amendments to the 2018 IBC for Type V Construction, for Willowbrook, IL:

1. Minimum Type VA. VA defined: V = Construction Type 5, Combustible Components. A = 'protected' by a 1-hour rated system, typically drywall – between certain components and areas of the building/structure. Note that a typical Single-Family Residence is VB whereas it is comprised of type 5 combustible components & there is no protection between different components and areas.
2. The 1-hour substitution for fire resistance with an automatic sprinkler system shall not be permitted for buildings of Type VA construction.
3. All lightweight and engineered wood *floor/ceiling* assemblies in Type VA construction will require a UL fire resistance design or equivalent to achieve a one-hour fire resistance rating
4. All lightweight and engineered wood roof *ceiling* assemblies in Type VA construction will require a UL fire resistance design or equivalent to achieve a one-hour fire resistance rating.
5. Draft stopping (eliminate air transference across concealed spaces) materials shall be installed to subdivide *floor/ceiling* assemblies in all occupancies and buildings of Type VA construction.
6. Draft stopping materials shall be installed to subdivide *attic* spaces in all occupancies and buildings of Type VA construction.
7. Type VA construction sprinklers shall be required in all bathrooms regardless of dimensional size or area.
8. Metal plate connected wood trusses shall be reinforced at each metal plate connection point with a minimum 3/8-inch wood structural panel applied across all connected truss members.