



AGENDA

REGULAR MEETING OF THE LAWS AND ORDINANCES COMMITTEE TO BE HELD ON MONDAY, OCTOBER 12, 2020, AT 5:30 P.M. AT THE VILLAGE HALL, 835 MIDWAY DRIVE, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

DUE TO THE COVID 19 PANDEMIC THE VILLAGE WILL BE UTILIZING A CONFERENCE CALL FOR THIS MEETING.

Mayor

Frank A. Trilla

Village Clerk

Leroy R. Hansen

Village Trustees

Sue Berglund

Umberto Davi

Michael Mistele

Gayle Neal

Paul Oggerino

Gregory Ruffolo

Village Administrator

Brian Pabst

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman

THE PUBLIC CAN UTILIZE THE FOLLOWING CALL IN NUMBER:

Dial in Phone Number: 312 626 6799

Meeting ID: 871 4070 9786

Passcode 165168

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES – September 14, 2020 (Approve)
4. DISCUSS - Chapter 9 Hotels / Motels Code Enhancements
5. DISCUSS – Business License Late Fees – Chapter 1A License Fees
6. DISCUSS - BYOB Licenses
7. ON GOING REVIEWS
 - a) Chapter 13 Solicitors Regulations
 - b) Adult Use Cannabis Definitions and District
 - c) Food Truck Licensing Requirements
 - d) Outdoor Sales for Service Stations and Grocery / Drug Stores
8. COMMITTEE REPORTS
9. VISITOR'S BUSINESS
(Public comment is limited to three minutes per person)
10. ADJOURNMENT



MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, SEPTEMBER 14, 2020 AT 5:30 PM AT THE WILLOWBROOK VILLAGE HALL, LOWER LEVEL CONFERENCE ROOM, 835 MIDWAY DRIVE, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

Trustee Neal called the meeting to order at the hour of 5:35 pm. It was noted that this meeting was held via conference call due to the Covid-19 pandemic.

2. ROLL CALL

Those present in person at roll call were: Trustee Gayle Neal, Trustee Umberto Davi, and Assistant Village Administrator Michael Mertens.

Present via Conference Call, Due to the Covid-19 Pandemic, were Village Attorney Thomas Bastion, Building Official Roy Giuntoli, and Willowbrook Consulting Planner Ann Choi.

3. APPROVAL OF MINUTES

Minutes – Regular Meeting Oct 10, 2020

MOTION: Motion Made by Trustee Davi to approve the minutes from the October 10, 2020 Law and Ordinance Committee Meeting, second by Trustee Neal. Roll call, all in favor.

MOTION CARRIED

4. DISCUSSION – Chapter 13 Solicitors Regulations

Assistant Village Administrator Mertens stated that this topic was briefly discussed at the last Law and Ordinances Committee meeting. The solicitor permits are processed through the Deputy Clerk's office. There are two types of Solicitation Permits: Charitable & Commercial. The Village currently requires a driver's license and a Certificate of Insurance. Solicitation Permits are prohibited from November 1st through March 31st. The solicitation hours of operation are 9 am to 9 pm or dusk, whichever is earlier. The Village does not currently charge a solicitation permit fee.

Trustee Neal discussed some processes from neighboring communities. Trustee Neal would propose to better define the solicitation terms, who is eligible, revocation period, appeal and denial processes, administrative records, penalties, fines, fees and add First Amendment Right language. She noted that Other communities also issue these types of permits through

their Police Department. Trustee Neal will be providing research on best practices from comparable communities for a future discussion.

Village Attorney Bastian listed some communities that he has worked with on solicitation permits.

Trustee Davi inquired whether we were doing this proactively, as opposed to addressing a problem that we are experiencing? Assistant Village Administrator Mertens stated that it is provocative, and as our code is dated and we wanted to revise prior to next spring when solicitor permits are processed.

Trustee Neal noted that some communities are having issues with certain soliciting companies and an updated ordinance is warranted.

5. DISCUSSION – Retail Tobacco Store and Smoking Lounge Text Amendment (Plan Commission Public Hearing September 23, 2020)

Assistant Village Administrator Mertens stated that there is a proposed Plan Commission hearing scheduled for September 23, 2020. The Village received a petition for a text amendment, specifically section 9-2 and 9-6. 2, for a smoking lounge in our B-4 Business District.

The proposed text amendment is to redefine retail tobacco stores and add with smoking lounge. Also proposed is to replace “Tobacco Stores” and “Tobacco Shops” with “Retail tobacco store with smoking lounges.” Currently the Village allows smoking lounges in B2 and B3 Zoning Districts. The proposed text amendment would add a proposed “special use” allowance in the B4 district. The petitioner is requesting change for the former Kerry Piper restaurant, whereas this is not a permitted or special use in the B-4 district.

Staff confirmed with attorney that entertainment is not allowed in these types of locations, due to the State of Illinois Smoking statute. The petitioner was advised that entertainment is not allowed in smoking lounges.

Trustee Davi asked the timeline for this process. Assistant Village Administrator Mertens stated that the text amendment goes to the Plan Commission on September 23, 2020 and then for final Village Board consideration on October 26, 2020. If petitioner submits documents to staff in a timely order, their proposed Special Use permit could be presented to the Plan Commission on October 7th.

Trustee Davi questioned the live entertainment issue with respect to smoking lounges.

Village Attorney Bastian advised this is being treated as a retail tobacco store. If 80% of the retail tobacco store generates their revenue from tobacco and tobacco products, they can have a smoking lounge. If it is a tobacco store with a smoking lounge you cannot have live entertainment due to the Illinois smoke free act, specifically as it relates to secondhand smoke. The petitioner is also proposing that this facility be a private club. Private clubs are defined in the act as public places and smoking is prohibited in public places. The petitioner was made aware on this determination.

6. DISCUSSION – Fence Enhancement Text Amendment (Plan Commission Public Hearing October 7, 2020)

A proposed text amendment to enhance our fence code is currently projected for October 7, 2020. The current fence code only allows for a minimum 50% open fence design. Residents often request a solid fence design for better security and privacy. Additionally, some residents are questioning the height of fences along a major arterial road (Kingery Highway/Rt. 83 specifically), currently restricted to six feet (6') in height. It was noted that residents do not always like the 50% open design due to pets & children. Residents that abut major streets area also looking for taller fences. Staff is proposing a text amendment that extends that height to eight feet (8') along Route 83 as well as allowing privacy fencing options.

Chairman Neal stated this topic, from a security and sound perspective, has been a needed discussion for over 25 years. Trustee Davi agreed with Trustee Neal.

Trustee Davi inquired as to how the Village defines a major arterial road. In respect to the fence code, our current fence code identifies certain streets as 1) Kingery Highway, 2) 75th Street, 3) Plainfield Road., 4) 63rd Street, and 5) Madison Street.

Building Official Giuntoli stated that the eight-foot (8') fence text amendment was being called out specifically for the Kingery Highway properties only. Current code defines the six-foot (6') tall fence, staff will amend it to also identify the location for the eight-foot (8') fence.

Trustee Neal stated that this subject was brought up during a Kingery Highway corridor study made up by corridor residents.

7. DISCUSSION – Business License Late Fees

Assistant Village Administrator Mertens stated that our Chapter 1A license fees schedule does not provide for a late fee or assess a penalty fee for companies who are behind in obtaining their Business License. The Deputy Clerk researched comparable communities to

determine best practices with respect to late fees. Staff will provide recommendations to be made for next year's Business License program.

Village Attorney Bastian noted that the Village can issue citations to businesses for operating without a Business License.

Village Attorney Bastian will provide a draft ordinance for the next meeting.

8. DISCUSSION – Signage Permit Fees

Assistant Village Administrator Mertens advised that Mayor Trilla had requested staff to research sign criteria and permit fees as compares to other municipalities. He asked Building Official Giuntoli to expand on his research results.

Building Official Giuntoli stated that in his research he found the following:

- The ways of calculating the allowed sign surface area (SSA) was different as compared to other municipalities.
- Highlighted that a typical retail business sign size allowances and fees are comparable to other municipalities.
- One area that exceeds other municipalities is the electrical fee for illuminated (electrically operated) signs. Staff will propose adjusting the fee accordingly.
- Fees should be calculated based on cost incurred.

9. DISCUSSION – Adult Use Cannabis Definitions and District

Village Administrator Mertens advised that on December 16, 2019 the Village approved Adult Cannabis Dispensaries as a special use within a certain defined district. The focus at that time was on dispensary uses because of that is what we were receiving the most calls on at that time. However, it was known that there were other cannabis related businesses that had to be addressed; specifically, cultivations centers, craft growers, processing organizations, infusers, dispensing or transportation organizations.

Staff is proposing consideration of these categories that are listed under the State Cannabis Regulation and Tax Act. Since these categories are not defined in our code, they are considered prohibited uses. Staff has been fielding calls for some of these issues: i.e. craft growers, infusers, and transportation organizations.

Staff recommends focusing them on Zoning District that the board has approved for dispensaries. Some elected officials have mentioned expanding the district for dispensaries; however, nothing has been determined at this time.

Trustee Neal agrees that defining and providing definitions of the cannabis act is warranted.
Trustee Davi concurred.

10. ON GOING REVIEWS

Assistant Village Administrator Mertens stated that these are items for future discussion, staff continues to work on these projects.

- a. Code Enhancements for Chapter 9 Hotels – Rooming Houses
- b. Food Truck Licensing Requirements
- c. Outdoor Sales for Service Stations and Grocery / Drug Stores
- d. BYOB Licenses

11. FUTURE ZONING CASES

Trustee Neal stated:

- a. Special Use Permit for a Smoking Lounge – October 7, 2020
- b. Hinsdale Lake Commons PUD Amendment – Drive Thru Sketch Plan Review October 7, 2020

Trustee Davi questioned the drive thru project. Trustee Neal stated that there is a current vacant restaurant site in the shopping center that SC Management wanted to alter to include a Drive Thru to lure a new tenant.

Willowbrook Consulting Planner Ann Choi stated the unit is at the southeast corner where the Juicy O restaurant was located. The petitioner is proposing revising the PUD to include a drive thru. A traffic memo submitted stating that there is no traffic impact based on queuing. Staff will present this matter to the plan Commission on October 07, 2020.

Trustee Neal stated that this area is located near the northeast corner access point, a private entry area, to the Lake Hinsdale Village (LHV) subdivision.

Trustee Davi was made aware by Trustee Neal that this entrance was used often by LHV residents, however, went on to state that if the drive thru is designed well it should not affect the traffic patterns of the subdivision.

Trustee Umberto Davi inquired the process to formally install the new Law and Ordinance Chair. Assistant Village Administrator Mertens stated that this was on the Village Board agenda later this evening.

12. COMMITTEE REPORTS

- Trustee Neal: No Report
- Trustee Davi: No Report

13. VISITOR'S BUSINESS

NONE

14. ADJOURNMENT

Trustee Davi made a motion to adjourn, seconded by Trustee Neal.
Roll call. Motion Carried

Meeting adjourned at 6:25 PM

PRESENTED, READ and APPROVED

_____, 2020

CHAIRMAN

Minutes prepared by
Roy A. Giuntoli, Building Official

LAW AND ORDINANCES COMMITTEE MEETING

AGENDA ITEM SUMMARY SHEET

AGENDA ITEM DESCRIPTION	COMMITTEE REVIEW
Discuss Chapter 9 Hotels / Motels Code Enhancements	<input type="checkbox"/> Finance/Administration <input type="checkbox"/> Municipal Services <input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Law & Ordinances Meeting Date: October 12, 2020
<input type="checkbox"/> Discussion Only <input type="checkbox"/> Seeking Feedback <input type="checkbox"/> Regular Report	<input checked="" 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>At the March 9, 2020 Law and Ordinances Committee meeting, Trustee Neal provided an overview of the current Village of Willowbrook Building Code as it relates to Hotel/Motels. Trustee Neal advised the Committee that most of the code dates to 1970 with various minor updates occurring in 1978, 1984, 1985 and 2005. Trustee Neal recommended that the Village consider reviewing the code to make sure the code utilizes the best practices applied within the industry, including but not limited to yearly inspections for property maintenance, health, and sanitation related issues.</p>	
<p>On June 8, 2020, staff presented an initial redline document highlighting the possible updates to Chapter 9, Hotel / Motel section, of the Building Code. Staff received input and direction on the proposed language on sections 3-9-1 through section 3-9-6. On July 13, 2020, the Committee reviewed sections 3-9-7 through 3-9-10 and provided staff input.</p>	
<p>Staff has updated the proposed code enhancements on the attached document based on the feedback received on June 8th and July 13, 2020. We have asked our code enforcement officer, Karyn Byrne, to join us for the meeting to walk through the enforcement process and to help ensure we closeout any loose ends on the proposed yearly inspection process.</p>	
<p>On August 10, 2020, staff presented a redline version of the suggested code enhancements from the previous meetings. The Committee reviewed the item and provided further feedback to staff and the Village Attorney.</p>	
STAFF RECOMMENDATION:	
<p>The Village Attorney has drafted the attached document for review and consideration based on the Committee discussion from the August 10, 2020 meeting. Upon consensus of the Committee, the final document will be presented to the Village Board on October 26, 2020 for formal consideration.</p>	

Chapter 9

HOTELS/MOTELS

3-9-1: DEFINITIONS:

For the purposes of this chapter, the words and terms given below are defined as follows:

HOTEL: Any building or structure which provides a common entrance, lobby, halls and stairways in which lodging the public, especially transients, where sleeping or lodging accommodations, with or without meals, are furnished for compensation and which contains a minimum of fifty (50) rooms.

MOTEL: Any building or structure consisting of a minimum of fifty (50) rooms, used for lodging the public, especially transients, where sleeping or lodging accommodations, with or without meals, are furnished for compensation, which provides the guests and lodgers thereof ready access to their automobiles or other motor vehicles.

3-9-2: BUILDING CODE APPLICABLE:

No building hereafter constructed shall be occupied or used as a hotel or lodging house and no building or portion thereof not now so used shall be converted into or used for a hotel or motel unless, in addition to all other requirements of this Code, the building conforms to the requirements of the Building Code and all adopted codes of the Village.

3-9-3: LICENSE REQUIRED:

- (A) It shall be unlawful for any person, firm, corporation, partnership or any other entity to conduct, manage, keep or operate a hotel or motel without having first obtained a license therefore.
- (B) No license, pursuant to this Chapter, shall be issued without a valid certificate of occupancy having been issued for the structure by the Building Official of the Village.
- (C) No license shall be issued to any applicant if any manager, owner or person owing more than five percent (5%) of the shares of stock in the hotel or motel has, within seven (7) years next preceding submission of an application for a hotel or motel license, has been convicted of any crime involving moral turpitude, or any offense involving gambling, prostitution, a violation of the Illinois Controlled Substances Act or any other felony offense as provided by the Illinois Criminal Code of 2012 (720 ILCS 5/1-1, *et seq.*)

[NOTE: The license year is already provided in Title 3, Chapter 1, Section 3-1-7 of the Village Code.]

3-9-4: LICENSE APPLICATION:

[NOTE: Prorated license fees. Should be added by amendment to Title 3, Chapter 1A entitled "License Fees" of the Village Code.]

Each applicant for a license to operate or maintain a hotel or motel shall file an application with the Village Clerk stating therein the name and address of: (a) the franchisor (if any); (b) owner and any shareholder, member or partner of the owner owning more than five percent (5%) of the owner; (c) any manager or assistant manager of the owner having charge of the management or control of the premises, name and address of the manager, assistant manager; location of the hotel or motel, the number of rooms to be available; the maximum number of persons and vehicles to be accommodated; and whether or not kitchen facilities are afforded and, if so, the number and location of each such unit. Unless the application shall have been previously presented and approved, the application shall be accompanied by plans of the hotel or motel drawn by a licensed architect, showing the proposed or existing locations of all buildings, rooms, fire spaces, stairs, windows, toilets, type of heating, sewer connections, driveways and other improvements.

The application shall be filed with the Village Clerk or his/her designee who shall refer the application to the building official for investigation to be made to determine whether the building or premises in which such hotel or motel is to be operated complies to the requirements of this Code and all Village adopted codes regarding construction, sanitation and public health and safety. If the Village Clerk or his/her designee approves the application, license shall be issued upon payment of the prescribed fee.

3-9-5: LICENSE FEES:

The annual license fee and any applicable prorated annual license fees for a hotel or motel shall be as set forth in Section 3-1A-1 of this Title.

3-9-6: INSPECTIONS:

Every hotel and motel located within the Village shall be subject to an annual inspection by the building official or his/her designee to determine whether the hotel or motel complies with the minimum standards for property maintenance, buildings, sanitation, fire prevention and public health and safety as set forth in the Village Code and all adopted codes. Hotels and motels that do not meet the minimum standards as set forth in the Village Code and all adopted codes are subject to re-inspection(s) and additional re-inspection fees.

3-9-7: ADDITIONAL PREMISES REQUIREMENTS:

- (A) Basement: No hotel or motel shall use or permit the use of a basement or any part thereof for lodging or rooming purposes.
- (B) Ventilation: No room in any hotel or motel shall be occupied as a sleeping room by any human being unless there are at least four hundred (400) cubic feet of air space, exclusive of wardrobe and closet space for each person occupying such room.
- (C) Bathrooms and Toilets: In every hotel and motel, bath and toilet facilities shall be provided in each room or unit.
- (D) Light Housekeeping: No person operating any hotel or motel shall permit the cooking or preparation of food or meals or the storage of foodstuffs, with the exception of the use of minibars, small microwaves and mini refrigerators for incidentals, in any room used for sleeping purposes; light housekeeping, so called, shall not be permitted in any such sleeping rooms.

3-9-8: ACCESSORY BUILDINGS:

No accessory building shall be used for hotel or motel purposes.

3-9-9: NUISANCE DECLARED:

The maintenance or use of any building or structure or portion thereof in violation of any provision of this chapter or of the Village Building Code or adopted codes is hereby declared a public nuisance and may be abated as such.

3-9-10: PENALTIES; SUSPENSION; REVOCATION OF LICENSE.

(A) Suspension of Business Operations:

1. When the conduct or operation of any hotel or motel, whether licensed or unlicensed, shall constitute a nuisance in fact or a clear and present danger to the public health, safety, or general welfare, the Village Administrator shall be authorized to summarily order the cessation of business and the closing of the premises for a period not to exceed ten (10) days.
2. Within eight (8) days after a license is suspended, the Village Administrator shall call a hearing as provided in Subsection D of this Section for the purpose of determining whether or not the license or permit should be revoked or further suspended.

(B) Revocation of License:

1. Hotel and motel licenses issued by the Village may be suspended for up to thirty (30) days or revoked by the Village Administrator after notice and hearing as provided in subsection D of this section for any of the following causes:
 - a. Any fraud, misrepresentation, or false statement contained in the application for the license;
 - b. Failure by the applicant to comply with any provision of this Code or any Statutes of the State relating to the business, occupation, or activity of the license;
 - c. Conviction of the applicant of any felony or of a misdemeanor where such conviction indicates their inability to operate a safe, honest, and legitimate business separation within the Village;
 - d. Failure of the licensee or permittee to pay, after notice, any judgment, fine, penalty, tax or other indebtedness or charge due and owing to the Village.
 - e. Any deceptive trade practices as defined by State or Federal law or regulation and shall comply with all applicable laws and regulations regarding consumer protection and deceptive trade practices;
 - f. Failure to comply with all Village Zoning, Building, Fire and Health Codes, and ordinances, as well as all other application Village codes, ordinances, rules, and regulations and failure to maintain the premises in good repair, free of litter and debris and in a safe condition for employees, customers and other persons present therein or thereon; or
 - g. Refusal to permit an inspection or any interference with a duly authorized Village officer or employee while in the reasonable performance of his duties in making such inspections.

(C) Prosecution and Other Penalties: Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable provisions of this chapter or other ordinances of the Village. No person whose license has been revoked shall be eligible for a new license during the period for which the original license was originally issued.

(D) Hearing Procedures:

1. Notice:

- a. Notice of a hearing shall set forth, specifically, the grounds of the complaint and the time and place of the hearing.
- b. Such notice shall be served by certified mail (return receipt requested) to the licensee at his last known residence or business address, at least five (5) days prior to the date set for the hearing or personally served on the licensee at least three (3) days prior to the date set for the hearing.
- c. If the licensee shall request a continuance in the date of the hearing, any suspension in effect shall be continued until the continued hearing date.
- d. All pleadings, motions, notices, and orders shall be filed with the Village Clerk.

2. Procedural Rules:

- a. Prior to the beginning of any hearing, the Village Administrator may adopt additional procedural rules as may be necessary for that hearing.
- b. At that hearing, the licensee shall be permitted counsel and shall have the right to respond, present evidence, and cross examine witnesses.
- c. All proceedings shall be stenographically or electronically recorded.
- d. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the circuit courts of the state shall not apply. Evidence not admissible under those rules of evidence may be admitted, however, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record.
- e. No discovery procedure shall be used prior to a hearing except by leave of the Village Manager who shall supervise all of any part of any discovery procedures.
- f. The standard for proof of hearings shall be by the preponderance of the evidence.
- g. The village administrator shall preside and render the decision within a reasonable time after the conclusion of the hearing, but not later than fourteen (14) days after the conclusion of the

hearing. The decision shall be in writing and shall summarize the evidence and state the reasons for the decision.

3. Hearing Costs:

- a. Any hotel or motel licensee whose license is suspended or revoked, or a hotel or motel business that operates without a license, shall pay to the Village the costs of the hearing before the Village Administrator. The Village Administrator shall determine the costs incurred by the Village for said hearing, including, but not limited to, court reporter fees, the costs of transcripts or records, attorney fees, the cost of preparing the mailing notices and orders, and all other miscellaneous expenses incurred by the Village or such lesser sum as the Village Manager may allow.
- b. The licensee shall pay said costs to the village within thirty (30) days of notification of the costs by the Village Administrator. Failure to pay said costs within thirty (30) days of notification is a violation of this section and may be cause of license suspension or revocation, or the levy of a fine.

(E) Any licensee aggrieved by the decision of the Village Administrator may, within fourteen (14) days of service of the Village Administrator's decision, appeal such adverse decision to the Village Board of Trustees. The Village Board of Trustees shall, by a majority vote of the trustees sustain or reverse the decision of the Village Administrator. The decision of the Village Board of Trustees shall be final.

(F) Any person violating any provision of this Chapter shall be fined in an amount not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each such offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

LAW AND ORDINANCES COMMITTEE MEETING

AGENDA ITEM SUMMARY SHEET

AGENDA ITEM DESCRIPTION

Discuss Business License Late Fees - Chapter 1A License Fees

COMMITTEE REVIEW

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

Meeting Date: October 14, 2020

<input type="checkbox"/> Discussion Only	<input checked="" 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:

The Law and Ordinance Committee has been reviewing enhancements to Chapter 9 Hotel / Motel Village Code to provide for yearly inspections for property maintenance, health, and sanitation related issues. During this staff review process the Deputy Clerk reviewed the Village Code for Business License Fees operating within the community and has advised that the Village does not currently impose a late fee on business licenses.

The current Village ordinance language that relates to License Fees can be found in Chapter 1A of the Village code. Business license applications are processed through the Deputy Clerks office. Business license are due by January 1 of each year.

A survey of the surrounding community's business license late fees is as follows:

- **Burr Ridge:** Currently they do not require business licenses
- **Clarendon Hills:** Late fee is $\frac{1}{2}$ of the cost of the business license plus the fee of the license after 30 days.
- **Darien:** Late fee is 25%, after one month it is 50%.
- **Downers Grove:** Late fee is \$50.00.
- **Hinsdale:** Late fee is 20%.
- **Lisle:** Late fee is \$50. Second late fee is another \$50, after another 30 Days.
- **Westmont:** Late fee is \$10 or 10% whichever is greater after 1 month.
- **Wheaton:** Late fee is 10% late after 1 month.
- **Willowbrook:** Currently No Late Fee.

On September 14, 2020, staff presented the above findings of our business license comparable communities late fee survey as well as our current business license process. Upon discussion the consensus of the Committee was to consider a 10% 30-day late fee and a 20% 60-day late fee with citations issued after 3 months.

STAFF RECOMMENDATION:

The Village Attorney has drafted the attached document for review and consideration based on the Committee discussion from the September 14, 2020 meeting. Upon consensus of the Committee, the final document will be presented to the Village Board on October 26, 2020 for formal consideration.

ORDINANCE NO. 20-O

**AN ORDINANCE AMENDING CHAPTER 1A ENTITLED "LICENSE FEES"
OF TITLE 3 ENTITLED "BUSINESS REGULATIONS" OF
THE VILLAGE CODE OF ORDINANCES OF THE
VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS**

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, as follows:

SECTION 1. That Chapter 1A entitled "License Fees" of Title 3 entitled "Business Regulations" of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois, as amended, is hereby further amended by adding thereto Section 3-1A-2 to read as follows:

"3-1A-2: LATE FEES:

(A) The following late fees are hereby assessed to the license fees set forth in Section 3-1A-1 of this Chapter:

1. Ten percent (10%) if payment of the license fee is received after thirty (30) days but less than sixty (60) days after the license due date.
2. Twenty percent (20%) if payment of the license fee is received more than sixty (60) days after the license due date.

(B) In addition to any late fee assessed for late payment of a license fee, any licensee that has not paid its annual license fee within ninety (90) days of the license fee due date shall be issued a citation."

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED and APPROVED this 26th day of _____, 2020.

ROLL CALL VOTE:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Leroy R. Hansen,
Village Clerk

Chapter 1A

LICENSE FEES - Current

3-1A-1: FEES ENUMERATED:

License fees under the terms of activities and uses set forth shall be as follows:

1.	Ambulance service (for each ambulance)	\$ 72.00 per year
2.	Amusements ¹ :	
	(a) Jukeboxes or other musical devices - coin operated (per machine or device)	150.00 per year
	(b) Amusement devices or coin operated rides or games (per machine or device)	120.00 per year
	(c) Circus or sideshow	\$600.00 per week plus \$120.00 per ride per week
	(d) Commercial playground or amusement park	\$600.00 per week plus \$120.00 per ride per week
	(e) Theater (motion picture or dramatic):	
	(1) Seating capacity 1 to 500	\$1,200.00 per year
	(2) Seating capacity 501 to 1,000	1,800.00 per year
	(3) Seating capacity over 1,000	2,400.00 per year
	(4) Outdoor drive-in	4,800.00 per year
	(f) Public dance hall	1,200.00 per year
	(g) Public skating rink	600.00 per year
	(h) Automobile, boat or other exhibitive show	1,200.00 per week
	(i) Recreational amusements operated for profit, including, but not by way of limitation, tennis courts, miniature golf and golf driving ranges	240.00 per year

	(j)	Concert, minstrel or musical entertainment (except as otherwise provided in this section):	
	(1)	Ticket sales 1 to 2,000	\$120.00 per performance
	(2)	Ticket sales 2,001 or more	\$1,200.00 per performance
	(k)	Fireworks display	\$2,400.00 per day
	(l)	Horse or dog show	60.00 per day
	(m)	Rodeo	120.00 per day
	(n)	Stock or poultry show	60.00 per day
3.		Athletic contests and exhibits (excluding such contests and exhibits as may be sponsored by any duly constituted school or park district):	
	(a)	Seating capacity 1 to 25	60.00 per day
	(b)	Seating capacity 26 to 100	85.00 per day
	(c)	Seating capacity 101 to 1,000	240.00 per day
	(d)	Seating capacity over 1,000	1,200.00 per day
4.		Auctioneers	48.00 per day
5.		Billiard and pool tables	\$66.00 per table per year
6.		Banks and savings and loans	\$150.00 per year
7.		Barbershops, hair salons, nail salons	\$66.00 per chair per year
8.		Bowling alleys	\$120.00 per year
9.		Brokers and agents, excepting therefrom insurance brokers and agents and real estate brokers and agents	240.00 per year
10.		Carnivals	\$600.00 per week plus \$120.00 per ride per week \$60.00 per booth per week

11.	Dealers of intoxicating beverages	See <u>chapter 12</u> of this title
12.	Dry cleaners	\$ 96.00 per year
13.	Dispensaries (medical) (not pharmacies)	85.00 per year
14.	Explosives or combustibles (any business or operation handling or storing combustibles):	
	(a) Fixed storage capacity:	
	(1) 0 to 4,000 gallons	150.00 per year
	(2) Over 4,000 gallons	\$150.00 per year plus \$12.00 per each thousand gallons over 4,000 gallons
	(b) Nonfixed storage capacity (more than 1,000 gallons):	
	(1) Hardware and paint stores	\$ 96.00 per year
	(2) Industrial usage or storage	270.00 per year
	(3) Other	240.00 per year
15.	Florists	96.00 per year
16.	Food dealers (including dealers having liquor licenses under <u>chapter 12</u> of this title):	
	(a) Restaurants:	
	(1) Seating capacity 1 to 50	210.00 per year
	(2) Seating capacity 51 to 100	330.00 per year
	(3) Seating capacity 101 and over	\$330.00 per year plus \$2.00 for each additional seat
	(4) All drive-in or fast food restaurants (irrespective of seating capacity)	\$270.00 per year plus \$2.00 for each seat
	(b) Caterers (operating from location within the Village)	\$ 96.00 per year
	(c) Food manufacturers (license fee shall be determined in	

		accordance with subsection 28 of this section)	
	(d)	Itinerant vendor (each vehicle whose place of business is not within the corporate limits of the Village but does retail business within the corporate limits of the Village)	85.00 per year
17.		Hawkers, peddlers, transient vendors and itinerant merchants (except for such persons conducting or transacting their business within an indoor exhibit hall or room located within a facility otherwise licensed by the Village of Willowbrook)	\$132.00 per person per day
18.		Heating, air conditioning and refrigeration contractors	\$120.00 per year
19.		Hospitals, convalescent and nursing homes, assisted living centers, and sanatoriums	\$24.00 per bed per year
20.		Hotels, motels, and rooming houses (with sleeping accommodations for 20 persons or more)	\$72.00 per year plus \$24.00 per unit or room per year
21.		Laundries:	
	(a)	Without self-service machines	\$84.00 per year
	(b)	With machines	\$18.00 per machine per year
22.		Livery stables, boarding or sale	\$ 84.00 per year
23.		Lumber, coal and other combustible material storage yards	240.00 per year
24.		Automobile dealers:	

Building Floor Area In Square Feet	
0 to 40,000	\$ 600.00 per year
40,001 to 75,000	900.00 per year
75,001 and over	1,200.00 per year

25.	Machine shops	84.00 per year
26.	Public parking garages, lots and ramps	\$2.40 per stall per year

27.	Pawnbrokers	\$84.00 per year
28.	Retail, service, wholesale and manufacturing establishments:	

Floor Area In Square Feet	
0 to 5,000	\$ 120.00 per year
5,001 to 10,000	240.00 per year
10,001 to 15,000	360.00 per year
15,001 to 20,000	480.00 per year
20,001 to 40,000	600.00 per year
40,001 to 75,000	900.00 per year
75,001 to 100,000	1,200.00 per year
100,001 to 150,000	1,500.00 per year
150,001 to 175,000	1,800.00 per year
175,001 and over	2,100.00 per year

	Floor Area Applicable: Floor area shall be calculated as herein defined. Total floor area applicable for the determination of the yearly license fee shall include the sum total of all the floor area in use or reserved for or retained for the use of the commercial establishment, including, but not restricted to, principal and accessory floor area, cellars and basements, storage or detached accessory building, even though any such floor area may be temporarily vacant or not in use.	
29.	Scavengers and garbage collectors	See subsections <u>6-6-2(D)</u> and <u>6-6-3(D)</u> of this Code
30.	Dealers in secondhand articles	\$ 84.00 per year
31.	Steam boiler operator	120.00 per year
32.	Street sales	60.00 per day
33.	Taxicabs, limousines, draymen, carters, expressmen, hackmen, omnibus drivers, and porters (when based within corporate limits of the Village)	\$84.00 per vehicle per day

34.	Undertakers	\$240.00 per year
35.	Vending machines (except tobacco or cigarette vending machines)	\$18.00 per machine per year
36.	Video gaming license	\$500.00 per machine per year

(Ord. 13-O-37, 10-14-2013; Ord. 14-O-06, 1-27-2014; Ord. 17-O-21, 11-27-2017; Ord. 19-O-27, 10-28-2019; Ord. 19-O-34, 11-25-2019)

LAW AND ORDINANCES COMMITTEE MEETING

AGENDA ITEM SUMMARY SHEET

AGENDA ITEM DESCRIPTION

Discuss BYOB Liquor Licenses

COMMITTEE REVIEW

Finance/Administration

Municipal Services

Public Safety

Law & Ordinances

Meeting Date: October 12, 2020

<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

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER PERTINENT HISTORY)

At the September 14, 2020 Law & Ordinance Committee, staff advised the Committee that the Village has received a petition requesting a text amendment to our Village Zoning Code to allow for a smoking lounge at 7900 Joliet Road Willowbrook, IL 60527. A public hearing for the requested text amendment was held on September 23, 2020. The Plan Commission has recommended to allow a retail tobacco store with smoking lounge as a permitted use in the B 4 business district. The ordinance for this text amendment item is up for formal consideration by the Village Board on October 12, 2020.

In conjunction with this text amendment application the petitioner is requesting consideration for BYOB Liquor License for the proposed smoking lounge. Currently our Village Code does not allow for BYOB licenses. A summary of the current liquor license fees, section 3-12-5, is as follows:

- Class A - Retail - no consumption. The annual fee is \$2,500.00.
- Class B - Entertainment, dancing, and consumption. The annual fee is \$2,500.00.
- Class B-1 - Retail - no consumption – restaurant. The annual fee is \$500.00.
- Class B-2 - Retail - consumption on and off premises - coffee/sandwich shop. The annual fee is \$1,500.00.
- Class C - One day license. The annual fee is \$250.00.
- Class D - Hotel, motel type of class. The annual fee is \$3,500.00.
- Class E - Retail - no consumption - grocery stores. The annual fee is \$2,500.00.
- Class F - Recreational facility – consumption. The annual fee is \$2,500.00.
- Class G - Private recreational facility – consumption. The annual fee is \$250.00.
- Class H – Catering. The annual fee is \$250.00.
- Class I - Indoor/outdoor commercial recreational facility. The annual fee is \$2,500.00.
- Class J - Homeowners' association. The annual fee is \$250.00.
- Class K - Retail consumption on and off premises - grocery store over 30,000 SF. The annual fee is \$3,000.00.
- Class L - Retail consumption on and off premises of a brewpub or Class I brewer. The annual fee is \$2,500.00.
- Class M - Retail - no consumption - gas stations. The annual fee is \$2,500.00.
- Class N - Retail - on premises consumption - hair and nail salon. The annual fee is \$1,500.00.
- Class O - Video gaming cafes. The annual fee is \$5,000.00.
- Class P – Restaurants with video gaming. The annual fee is \$5,000.00.

Staff has researched some area communities to provide an overview of who allows BYOB licenses and the fees associated with those licenses.

Community	Allowed	Fee
Antioch	Yes	\$250
Batavia	Yes	\$100
Berkley	Yes	\$250
Burr Ridge	No	N/A
Clarendon Hills	No	N/A
Countryside	Yes	\$200
Darien	No	N/A
Downers Grove	No	N/A
Elmhurst	No	N/A
Fox Lake	Yes	\$200
Glencoe	No	N/A
Hinsdale	Yes	\$1,000
LaGrange	Yes	\$100 for private membership up to \$2,000 for large restaurants
Lake Zurich	Yes	\$1,000
Naperville	No	N/A
Oak Brook	No	N/A
Oak Park	Yes	\$500
Palos Park	Yes	\$75
Riverside	Yes	\$165 for seating less than 50, \$330 for seating 50-100, \$475 for seating 100-150
St Charles	No	N/A
Westmont	Yes	\$1,000
Wheaton	No	N/A

The following is some criteria the Committee may wish to consider as part of code amendment for BYOB licenses:

- No person shall permit the consumption of alcoholic liquor in any food service establishment within the Village, where the customer has brought the alcoholic liquor into the food service establishment, except as authorized by a license issued under this section (a "BYOB License").
- A BYOB License shall entitle a restaurant or smoking lounge, to permit consumption of beer, wine or spirits brought onto the premises by a customer that is twenty-one (21) years of age or older for personal consumption, including consumption by said customer's guests who are twenty-one (21) years of age or older, while the customer and dining guest(s). The establishment may charge a corkage fee to the customer.
- No liquor package sales shall be permitted.
- BYOB License holders, their on-site managers and all wait staff engaged in customer services, shall take and successfully complete a Beverage Alcohol Sellers and Servers Education and Training (BASSET) Program that has been certified by the State of Illinois. A copy of the BASSET course completion certificate(s) for each such person shall be made available at all times at the licensed premises for inspection by the Village.
- Any person desiring to obtain a BYOB License under this section shall make written application for a BYOB License on forms provided by the Village.
- A BYOB License issued under this section may be suspended or revoked in the same manner as a food service establishment license.

STAFF RECOMMENDATION:

Seek feedback from the Committee