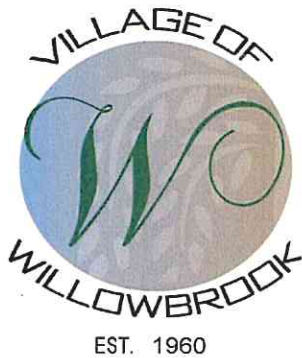


AGENDA



REGULAR MEETING OF THE LAWS AND ORDINANCES COMMITTEE TO BE HELD
ON MONDAY, MARCH 8, 2021, 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.**

THE PUBLIC CAN UTILIZE THE FOLLOWING CALL IN NUMBER:

Dial in Phone Number: 312 626 6799

Meeting ID: 825 4985 2595

Passcode 507799

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES – January 11, 2021 (Approve)
4. DISCUSS - Chapter 13 Solicitors Regulations
5. DISCUSS – Appeal to Section 5-2-6 “Prohibited Animals” for 6023 Bentley Avenue
6. DISCUSS – Title 9 – Chapter 6B B-2 Commercial Shopping District, Chapter 6C
B-3 General Business District and Chapter 6D – B-4 Highway and Service Business
District – Permitted Use Review
7. DISCUSS - Title 6 Chapter 1 – Food Adulteration
8. DISCUSS – Title 6 Chapter 4 – Grocery Stores
9. DISCUSS – Title 6 Chapter 5 – Restaurants
10. DISCUSS – Title 2 – Boards and Commissions
11. ON GOING REVIEWS
 - a) Food Truck Licensing Requirements – 1 Year Moratorium
12. COMMITTEE REPORTS
13. VISITOR’S BUSINESS
(Public comment is limited to three minutes per person)
14. ADJOURNMENT

Mayor

Frank A. Trilla

Village Clerk

Deborah A. Hahn

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

MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, JANUARY 11, 2021 AT 5:30 PM AT THE WILLOWBROOK VILLAGE HALL, LOWER-LEVEL CONFERENCE ROOM, 835 MIDWAY DRIVE, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

IT SHOULD BE NOTED THAT THIS MEETING WAS HELD PARTIALLY VIA ZOOM/CONFERENCE CALL.

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

1. CALL TO ORDER

Chairperson Neal called the meeting to order at the hour of 5:30 pm.

2. ROLL CALL

Those present at roll call were: Chairperson Neal (in person), Trustee Davi (via Zoom) arrived at 5:47, Trustee Oggerino (via Zoom), Assistant Village Administrator Mertens (via Zoom), Village Attorney Bastian (via Zoom), and Building Official Giuntoli (via Zoom).

Immediately following the Roll Call, Chairperson Neal, gave the floor to Trustee Oggerino. Trustee Oggerino requested a moment of silence for the incident that happened at the US Capitol with the two (2) police officers and the others that passed that day.

3. APPROVAL OF MINUTES

Minutes – Regular Meeting November 9, 2020

MOTION: Motion Made by Trustee Oggerino to approve the minutes from the November 9, 2020 Law & Ordinances Committee Meeting, Chairperson Neal seconded the motion

Roll Call: Chairperson Neal and Trustee Oggerino voted in favor to Approve.

MOTION DECLARED & CARRIED

4. DISCUSSION – Chapter 13 Solicitors Regulations

Chairperson Neal passed the floor to Assistant Village Administrator Mertens and he advised that at the September 14, 2020 Law and Ordinances Committee staff presented an overview of the current Village code of ordinances for solicitors operating within the community. The current Village ordinance language that relates to Solicitors can be found in Chapter 13 of the Village code. A summary of the current code of ordinances for solicitors is as follows:

1. Solicitation applications are currently processed through the Deputy Clerks office.

2. There are two (2) types of Solicitors Certificates - Charitable and Commercial.
3. The Deputy Clerk receives the application. We require a driver's license for all solicitors and certificate of insurance.
4. Solicitation is prohibited between November 1 through March 31. The solicitation hours are 9:00 a.m. to 9:00 p.m. or dusk whichever is earlier in the day.
5. The Deputy Clerk will issue a certificate of registration and then provides a copy of it for the police department.
6. Charitable solicitation requires financial disclosure to every person solicited.
7. Police Department to supply unique "No Soliciting" signage and to be authorized by the Police Chief.
8. The Village currently does not charge a fee for the solicitation certificate.

Staff was directed to review code to clarify and definitions, change the name Certificate of Registration Required to Permit Required including and creating penalties and adding a clause for First Amendment rights.

Staff has reviewed comparable community codes for insight on best practices as it relates to solicitation permits. Staff has proposed a reordering of the code layout as follows:

Current Code Section Layout	Proposed Code Section Layout
3-13-1: Definitions	3-13-1: Definitions
3-13-2: Certificate of Registration Required	3-13-2: Permit Required
3-13-3: Application for Certificate of Registration	3-13-3: Permit Exemption for Minors
3-13-4: Application; Issuance of a Certificate of Registration	3-13-4: Solicitation Permit
3-13-5: Records or Application, Certificates	3-13-5: Regulations Applicable to All Solicitation and Canvassing
3-13-6: Charitable Solicitation; Financial Disclosure	3-13-6: Charitable Solicitation on Public Rights of Way
3-13-7: Notice Regulating Solicitation	3-13-7: Violations Declared to be Nuisances
3-13-8: Obedience to Notice on Premises	3-13-8: Effective Period
3-13-9: Uninvited Soliciting Prohibited	3-13-9: Revocation
3-13-10: Duty to Leave Premises on Request	3-13-10: Appeal and Denial or Revocation
3-13-11: Aggressive Solicitation Prohibited	3-13-11: Change in Information
3-13-12: Hours, Days of Solicitation	3-13-12: Administrative Records
3-13-13: Felons as Solicitors	3-13-13: Penalty
3-13-14: Fraudulent Misrepresentation and Misstatement Prohibited	3-13-14: No Limitation of Free Speech Rights
3-13-15: Revocation of Certificate; Review	

The reordering of the code sections brings the Village code in line with neighboring communities to streamline the language for easier interpretation by the solicitors and enforcement by the Village. We have proposed updated definitions, have added sections such as permit exemption for minors and no limitations on free speech, and redefined

solicitation hours and locations. Staff attempted to blend some of the unique items of the Willowbrook code while realigning the permit process through the Police Department for a more focused permit review and tracking system.

Additionally, staff would recommend that the Village consider a nominal fee for the commercial solicitation permit to cover any cost on staff time and background check.

Staff presented a draft redlined version that highlighted areas that may need additional input. Staff attempting to standardized process with the focus on commercial solicitation due higher amounts of nuisance complaints. A possible fee structure may be considered to offset administrative costs.

Chairperson Neal and Trustee Oggerino requested clarification of fees and agreed that two different fees should be accessed for commercial and charitable organization.

Chairperson Neal stated she observance of several commercial organizations soliciting throughout the community last summer.

The fees and type of background checks to be further researched and verified with the Police Department. Assistant Village Administrator Mertens advised that much of the workload for reviewing and approving solicitors permit is being done by the Police Department.

Hours for soliciting is recommended to be adjusted as follows: 9:00 AM to 5:00 PM for the commercial solicitations, and 9:00 AM to 6:00 PM or dusk for charitable solicitations.

Chairperson Neal and Trustee Oggerino both stated that the latest should be 6:00 PM, or dusk. Upon discussion all agreed that 9:00 AM to 5:00 PM is acceptable.

Areas of allowed solicitations to be defined in final document. Chairperson Neal stated her opinion on areas that are dangerous areas specifically Rt. 83 as a dangerous area. Noting that several intersections that appear to be located within the Village of Willowbrook are not under Village jurisdiction.

Village Attorney Thomas Bastion questioned about the prohibition from November 1st to March 31st. Chairperson Neal stated this was in response to complaints. Area warrants additional research by her.

Village Attorney Thomas Bastian stated if Village receives complaints, Village may consider, down the road, amending it and changing the hours to daylight hours. Residents can always post a "no solicitors" sign.

Chairperson Neal stated that proper wording of any prohibition needs to be identified by the Police Department.

Assistant Village Administrator Mertens recommended that the signage verbiage should be standardized so that signage can be obtained from a retail store as opposed to having it worded specifically for the Village of Willowbrook requiring specialized signage to be fabricated.

Assistant Village Administrator Mertens advised that revocation and denial to be handled through the Police Chief.

Assistant Village Administrator Mertens stated fine shall not be more than \$750. A section on no limitations to free speech rights was added. Solicitations of a political nature are not required to get permits.

Next committee meeting a cleaned-up version of the draft/code will be presented. With the intentions that this process will be completed by April.

Trustee Oggerino stated that an option the village should consider revisiting is to have the police department issue a common 'no solicitors' sticker to residents that request them.

Assistant Village Administrator Mertens stated this is a viable inexpensive option that can be mailed in a water bill for example.

5. DISCUSSION – Adult Use Cannabis District

Assistant Village Administrator Mertens stated that the Village has received calls by potential vendors who are on this next round of cannabis licenses from the state. Approximately 75 licenses throughout the state that are still pending state approval. The state has not finalized things as there are some lawsuits that were filed due to the application and review process.

Staff recommends that Village update our codes for uses like cannabis growers and transportation and other ancillary things that relate to adult-use cannabis. Assistant Village Administrator Mertens stated that the important use for the Village consideration from a revenue standpoint are the cannabis adult-use dispensaries.

Staff has heard from different Board members that maybe the Village Board would be open to revisiting the parameters for the adult-use cannabis. Several exhibits provided to Law and Ordinances Members indicating separation distances and currently approved Zoning districts. Noting that current approved adult use cannabis map area is located within the industrial area near the Village hall.

Potential adult-use dispensaries prefer locations that are freestanding buildings and along major arterial routes. Staff provided the following map areas for discussion:

- The south east corner of the village. (Soper Triangle, Area around Kerry Piper)

- The OR and LOR properties on east side Kingery from 75th & to Plainfield Road. (Former Baker's Square, Wingren Plaza)
- The areas east of Kingery on Plainfield Road. (Former WB Bowl / TCF Bank)
- The Woodland Plaza (Dunkin Donuts / Stats Shopping Center)
- Binny's & Pete's Market centers
- The Town Center

Staff noted that there is residential adjacent to some of these areas and staying away from residential really takes out a lot of the properties out of consideration.

Chairperson Neal stated that some of these locations the shopping center management companies may not want to get involved with this type of use all due to proximity to other uses within their development.

Village Attorney Bastian asked the status of the former Baker's Square location restaurant, now JoJo's. Building Official Giuntoli stated that the restaurant was open. Chairperson Neal asked if this restaurant has a liquor license. Per Village Attorney Bastian, they had applied for one, but their application was not in order.

Chairperson Neal recapped the cannabis discussion: map, expanding areas, looking at different locations, text amendments, as all being Board decisions. Trustee Oggerino stated he was 100% into expanding the allowed areas.

Village Attorney Bastian noted that this matter needs to be presented to the Plan Commission, then the Board

Assistant Village Administrator Mertens stated that an option was setting up a workshop to obtain guidance from the Board members prior to considering a text amendment before the Plan Commission.

Chairperson Neal agreed with the workshop suggestion for the spring 2021. Trustee Davi and Trustee Oggerino agreed with suggestion and timeline.

6. ON GOING REVIEWS

Village Administrator Mertens stated that these are items for future discussion, staff continues to work on these, and were placed here as place holders for a future meeting.

7. COMMITTEE REPORTS

- Chairperson Neal: No Report.
- Trustee Oggerino: No Report.
- Trustee Davi: No Report.
- Village Attorney Bastian: No Report.
- Building Official Giuntoli: No Report.

- Assistant Village Administrator Mertens: Nothing additional to Report.

8. VISITOR'S BUSINESS

Building Official Giuntoli stated that there were no other persons logged onto the meeting. Village Administrator Mertens stated that there were no formal submittals from visitors to address.

9. ADJOURNMENT

Chairperson Neal requested a motion to adjourn. Trustee Paul Oggerino made a motion to adjourn, seconded by Chairperson Neal.

Roll Call:

- Chairperson Neal, Trustee Davi and Trustee Oggerino all voted in favor to Adjourn.

MOTION DECLARED & CARRIED

Meeting adjourned at 6:17 PM

PRESENTED, READ and APPROVED

_____, 2021

CHAIRMAN

Minutes prepared by
Roy A. Giuntoli, Building Official 01/26/2021

LAW AND ORDINANCES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET

DISCUSS – Chapter 13 Solicitors Regulations

COMMITTEE REVIEW

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

Meeting Date: March 8, 2021

- | | |
|---|---|
| <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:

At the September 14, 2020 Law and Ordinances Committee staff presented an overview of the current Village code of ordinances for solicitors operating within the community. The current Village ordinance language that relates to Solicitors can be found in Chapter 13 of the Village code. A summary of the current code of ordinances for solicitors is as follows:

1. Solicitation applications are currently processed through the Deputy Clerks office.
2. There are two (2) types of Solicitors Certificates - Charitable and Commercial.
3. The Deputy Clerk receives the application. We require a driver's license for all solicitors and certificate of insurance.
4. Solicitation is prohibited between November 1 through March 31. The solicitation hours are 9:00 a.m. to 9:00 p.m. or dusk whichever is earlier in the day.
5. The Deputy Clerk will issue a certificate of registration and then provides a copy of it for the police department.
6. Charitable solicitation requires financial disclosure to every person solicited.
7. Police Department to supply unique "No Soliciting" signage and to be authorized by the Police Chief.
8. The Village currently does not charge a fee for the solicitation certificate.

Staff was directed to review code to clarify and definitions, change the name Certificate of Registration Required to Permit Required including and creating penalties and adding a clause for First Amendment rights.

At the January 11, 2021 Law & Ordinances Committee staff presented a proposed redline version of an enhanced amendment to Chapter 13 – Solicitation Regulations. Staff has presented a reordering of the code sections to bring the Village code in line with neighboring communities to streamline the language for easier interpretation by the solicitors and enforcement by the Village. Additionally, we have proposed updated definitions, have added sections such as permit exemption for minors and no limitations on free speech, and redefined solicitation hours and locations. Staff attempted to blend some of the unique items of the Willowbrook code while realigning the permit process through the Police Department for a more focused permit review and tracking system.

STAFF RECOMMENDATION:

Based upon the discussion the Village Attorney has provided an updated version of the amended Chapter 13 – Solicitation Regulations. A redline version is also included so the Committee can track the proposed changes suggested to date.

Staff would seek input on the cost for a commercial solicitation fee to cover the cost of staff time and background checks. Staff would recommend a fee of \$75 per application (Section 3-13-4: C-j -Page 4). A brief survey of neighboring community fees is as follows:

- Burr Ridge: \$8.00 per Solicitor
- Darien: \$73 per Application
- Hinsdale: \$8 Application Processing Fee

Lastly, Staff wants to confirm that we should remove one of the locations for Charitable Solicitation, specifically 67th Street and Route 83 as that falls under IDOT jurisdiction (3-16-6 (d) – page 11)

Staff is seeking feedback from the Committee on the proposed amendments. Upon consensus, staff will work with the Village Attorney on a final draft ordinance as well as any modifications needed to our Permit Application and communication pieces.

**Willowbrook Solicitors
Regulations Chapter 13 –
Proposed Option**

SECTION:

3-13-1: Definitions

3-13-2: Permit Required

3-13-3: Permit Exemption for Minors

3-13-4: Solicitation Permit

3-13-5: Regulations Applicable to All Solicitation and Canvassing

3-13-6: Charitable Solicitation on Public Rights of Way

3-13-7: Violations Declared to be Nuisances

3-13-8: Effective Period

3-13-9: Revocation

3-13-10: Appeal of Denial or Revocation

3-13-11: Change in Information

3-13-12: Administrative Record

3-13-13: Penalty

3-13-14: No Limitation of Free Speech Rights

3-13-1: DEFINITIONS:

The following words and phrases as used in this chapter shall have the following meanings, unless a different meaning is required by the context:

AGGRESSIVE SOLICITATION: A mode of prohibited solicitation hereafter defined in Section 3-13-11 of this chapter.

APPLICANT: Any person that files an application for a solicitation permit as provided for in this chapter. **AUTOMATED TELLER MACHINE:** Any automated teller machine as defined by the Automated Teller Machine Security Act, 205 Illinois Compiled Statutes 695/1 et seq., as amended.

BANK: Any bank or financial institution as defined by the Illinois Banking Act, 205 Illinois Compiled Statutes 5/1 et seq., as amended.

CANVASSER: A person engaged in canvassing. Canvassing Going from place to place in the Village seeking to make personal contact with residents or other persons where there is no request, invitation or appointment for such contact, but excluding persons engaged in solicitation as defined herein.

CHARITABLE ORGANIZATION: Any benevolent, philanthropic, patriotic, not for profit, religious or eleemosynary person or one purporting to be such which solicits and collects funds for charitable purposes.

CHARITABLE PURPOSE: Any charitable, benevolent, philanthropic, patriotic, not for profit, religious or eleemosynary purpose.

CHIEF OF POLICE: The chief of police or any of his or her authorized representatives.

CHARITABLE SOLICITATION: Any request for the donation of money, property or anything of value or the pledge of a future donation of money, property or anything of value; or the selling or offering for sale of any property, real or personal, tangible or intangible, whether of value or not, including, but not limited to, goods, books, pamphlets, tickets, publications or subscriptions to publications or brochures, upon the representation, express or implied, that the proceeds of such sale will be used for a "charitable purpose" as such term is herein defined.

COMMERCIAL SOLICITATION: Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever.

PERSON: Any individual, organization, group, association, partnership, corporation, joint venture, trust or any combination thereof.

PREMISES: Any occupied building or structure, or any separate dwelling unit contained within any occupied building or structure, of any type within the village.

REGISTERED SOLICITOR: Any person who has obtained a valid solicitation permit as hereinafter provided, which certificate is in the possession of the solicitor, conspicuously displayed on his or her person while engaged in solicitation.

SOLICITATION: A verbal request made in person upon any street, public place or park in the Village for an immediate donation of money or other thing of value, including a request to purchase an item or service of little or no monetary value in circumstances where a reasonable person would understand that the purchase is in substance a donation. Solicitation does not include the act of passively standing, sitting or engaging in a musical performance or other street performance with a sign or other indication that donations are being sought, without any verbal request for a donation other than in response to an inquiry by another person.

Solicitation shall not include any activity which is purely expressive in nature, such as attempts to enlist support for or against a particular religion, philosophy, ideology, political party, issue, candidate or other cause that does not involve either the solicitation of funds or a proposal to engage in a commercial transaction.

(Ord. 13-O-09, 4-8-2013)

SOLICITOR: A person engaged in solicitation.

TRANSIENT MERCHANT: A solicitor who engages temporarily in the retail sale of goods, wares or merchandise in the Village and in pursuance of such sales occupies any building, room, vehicle, structure of any kind, or vacant lot. Transient Merchants and solicitors shall not include a person selling goods, wares or merchandise, including vegetables, fruit or perishable farm products, at an established Village farmers market or other Village-sponsored event or market, or at a church fair or other similar event of limited duration held by a unit of local government or not-for-profit organization for fund-raising purposes.

3-13-2: PERMIT REQUIRED:

It shall be unlawful for any charitable organization to engage in charitable solicitation for charitable purposes, or for any person to engage in commercial solicitation within any

residentially zoned district under the Village of Willowbrook zoning ordinance, unless such organization or person shall have first obtained a as valid solicitation permit from the Village as hereinafter provided. Persons engaged in canvassing shall not be subject to permitting requirements of this Chapter, but are subject to certain other time, place and manner restrictions, as provided in this Chapter. (Ord. 13-O-09, 4-8-2013)

3-13-3: PERMIT EXEMPTION FOR MINORS:

Persons under the age of seventeen (17) years engaged in charitable solicitation within the Village shall not be required to obtain a solicitation permit. Any such person under the age of seventeen (17) years shall comply with all other applicable provisions of this chapter.

3-13-4: SOLICITATION PERMIT:

An applicant for a solicitation permit shall file with the chief of police a properly completed application therefor on a form provided for such purpose by the chief of police. The applicant shall be given a copy of this chapter, acknowledge its contents, and agree to comply with all its requirements. The applicant shall verify under oath all statements made on or in connection with the following information on the application:

- (A) The names and addresses of the charitable or commercial organization(s)/person(s) and the name or names under which it/he/she intends to engage in solicitation as well as the solicitation methods that the applicant and the applicant's business or organization will employ within the village.
- (B) The name and address of the person to be in charge of such solicitation, as well as the following:
 - a) the name and address of a principal officer, director, or chief executive officer of the applicant's business or organization who is authorized to determine matters related to the application, and the registered agent for the business or organization for service in Illinois, if any.
 - b) The name and address of the business or organization or other person or entity that the applicant represents for purposes of the solicitation for which the permit is sought.
- (C) The names and addresses of all persons who will engage in such solicitation in the Village as follows:
 - a) The applicant's local address, whether temporary or permanent, if different from the applicant's current residence address.
 - b) The applicant's name and current residence address, and the length of time the applicant has resided at such address.
 - c) The applicant's business address, if different from the applicant's residence address.
 - d) The applicant's driver's license number or other form of government issued identification.
 - e) The applicant's physical description, including sex, height, weight, hair color, and eye color.
 - f) Two (2) copies of a two inch by two-inch (2" x 2") photograph showing the full facial features of the applicant. Such photograph shall have been taken within thirty (30) days immediately prior to the date of filing of the application.

- g) If more than one solicitor will be soliciting on behalf of a business or organization, then the names(s), address(es), and telephone number(s) of all person(s) who will be in direct charge of the solicitors on behalf of such business or organization.
 - h) If the applicant seeks a permit to conduct charitable solicitation, a written confirmation or registration by the Illinois attorney general, made within six (6) months immediately prior to the date of filing of the application, that the business or organization represented by the applicant is in full compliance with all applicable provisions of Illinois' Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.
 - i) If the applicant is subject to payment of the Retailers' Occupation Tax, a copy of the applicant's solicitation permit issued by the State of Illinois under the Municipal Retailers' Occupation Tax imposed by Section 60-3 of this Code.
 - j) The solicitation permit fee in an amount equal to _____ dollars (\$_____), or, in the case of solicitors who are transient merchants, an amount equal to \$\$\$\$\$\$ dollars (\$100.00??????).
- (D) An acknowledgment stating that the names and addresses of all persons who will engage in such solicitation in the Village shall be verified by valid State identification with visible photo.
- (E) A statement acknowledging both the identity of the soliciting organization, agency or project and that the same must be engaged in a Nationwide or Statewide fundraising activity when soliciting within the Village.
- (F) A statement of the dates and times of the day when such solicitation will occur and the geographic area within the Village wherein such solicitation will be conducted at that particular time and day.
- (G) A statement of the date, or approximate date, of the applicant's last previous application for a solicitation permit under this chapter, if any.
- (H) A statement as to whether a solicitation permit issued to the applicant under this chapter has ever been suspended or revoked and any violation, within the previous five (5) years, of any provision of any previous Village solicitation regulation, of any of the provisions of this chapter, or of any local, state, or federal solicitation regulation.
- (I) A statement as to whether the applicant has ever been convicted of a violation of any of the provisions of state law, this chapter, or any other municipal ordinances related to solicitation regulations.
- (J) A written statement of recent date issued by the Attorney General of Illinois that the charitable organization has complied with the provisions of "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes...", 225 Illinois Compiled Statutes 460/1 et seq., or a written statement by the Attorney General of exemption under 225 Illinois Compiled Statutes 460/3 (applies only to charitable solicitation).
- (K) A copy of the most recent annual report filed with the Illinois Attorney General pursuant to 225 Illinois Compiled Statutes 460/4. In the event a charitable organization has not yet been required to file an annual report, a copy of the registration statement filed with the Attorney General of Illinois pursuant to 225 Illinois Compiled Statutes 460/2, may be utilized (applies only to commercial solicitation).

- (L) A statement by the applicant listing the names and addresses of the person(s) or organization(s) whom the applicant is employed by or represents, and the length of time of such employment or representation (applies only to commercial solicitation).
- (M) A description sufficient for identification of the subject matter of the solicitation which the applicant will engage in (applies only to commercial solicitation).
- (N) A statement as to whether the applicant has ever been convicted of the commission of a felony or has been convicted of a misdemeanor for a crime involving moral turpitude or truth and veracity, under the laws of the State of Illinois or any other state, or of a Federal law of the United States and the nature of any such conviction (applies only to commercial solicitation).
- (O) A statement by the applicant acknowledging that no person shall stand on any street, highway or roadway within the Village, or on any right-of-way of the same for the purpose of peddling or soliciting contributions except that persons soliciting charitable contributions from the occupant of any vehicle may do so upon satisfying all requirements of this chapter.
- (P) A statement by the applicant acknowledging that solicitation under this chapter shall be allowed only at intersections where all traffic is required to come to a full stop.
- (Q) A statement by the applicant acknowledging that solicitation shall be limited to a specific intersection or intersections and within a one-hundred-foot (100') distance along each leg of the said specific intersection(s).
- (R) A statement by the applicant acknowledging that the soliciting organization shall be responsible for supervising and controlling the conduct of all persons soliciting as listed on the approved application for a solicitation permit.
- (S) A statement by the applicant acknowledging that all persons soliciting for the contribution of funds or anything of value on any public street shall not obstruct vehicular traffic or pedestrian traffic and shall fully comply with all local and State traffic regulations.
- (T) A statement by the applicant acknowledging that all persons engaged in the act of solicitation on a roadway shall be a minimum of seventeen (17) years of age and shall wear a high visibility vest at all times. The high visibility vest shall be provided by the soliciting organization and subject to Village approval. Further, said individual shall have readily visible on their person the Village of Willowbrook solicitation permit identification provided by the Chief of Police.
- (U) A statement by the applicant acknowledging that any solicitation on the roadway shall only be allowed where there is a center dividing median area separating vehicle travel lanes.
- (V) A statement by the applicant acknowledging that every solicitor engaged in soliciting on any real property owned by the Village or within the Village and the business or organization represented by the solicitor shall be liable for all injuries to any person or property that occurs during or as a result of such solicitation and which is casually related to an act of ordinary negligence of the solicitor or the business or organization the solicitor represents.

- (W) A statement by the applicant acknowledging that the solicitation permit approving its solicitation on a given intersection of a public street within the Village limits shall be restricted to one soliciting organization soliciting on the public streets within the Village at one time; and, that a solicitation permit approval list shall be determined by the order in which complete applications for the said certificates are filed with the Village.
- (X) A statement by the applicant acknowledging the following: 1) that all persons engaging in solicitation on its behalf are prohibited from engaging in any act of "aggressive solicitation" as that term is defined in Section 3-13-5 (q) of this chapter; 2) that any person who commits an act of "aggressive solicitation" prohibited by this chapter shall be subject to a fine as provided in the general penalty provisions of Title I, Chapter 4, Section 1-4-1 of this Code.
- (Y) Felons as Solicitors: It shall be unlawful for any person or organization to utilize as a solicitor any person who has been convicted of a felony under the laws of the State of Illinois or any other state, or under the Federal law of the United States, within five (5) years of the date of the application. Every registrant pursuant to this chapter shall, as part of said registration application, stipulate that no individual employees, independent contractors, employees of independent contractors, volunteers or any other such person associated with the registrant is a convicted "sex offender" as defined by 730 Illinois Compiled Statutes 150/2 and as may similarly be applicable to any other law enforcement jurisdictions throughout the United States. Every registrant shall include the names, addresses and dates of birth for every person who will be working with them in the Village for the registered purpose and shall provide an affidavit certifying that such persons, including the registrant, have not been convicted of any felony, nor convicted on two (2) or more occasions of driving under the influence of alcohol or drugs. Such solicitation permit as is required in this chapter shall be updated whenever any change in such persons occurs for the registrant at any time during the registered year.
- (Z) Fraudulent Misrepresentation and Misstatement Prohibited: No person shall misrepresent his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement, deception or fraud, in connection with any charitable or commercial solicitation, or in any application or report filed under this chapter.

3-13-5 REGULATIONS APPLICABLE TO ALL SOLICITATION AND CANVASSING:

- (A) Issuance: The chief of police shall issue a solicitation permit to an applicant within five (5) business days after its receipt , if, but only if, the chief of police finds and determines all of the following:
 - (1) The applicant has properly provided all information required by the chief of police and the application, the material statements made in the application are true, and the fee has been paid.
 - (2) The applicant has not been convicted within five (5) years immediately prior to the date of filing of the application of a felony under the laws of the state of Illinois, any other state, or the United States, or convicted of a misdemeanor for a crime involving moral turpitude or truth and veracity, under the laws of the State of Illinois, any other state, or the United States.

(3) The applicant has not had a village solicitation permit revoked or suspended within five (5) years immediately prior to the date of filing of the application.

(4) The applicant has not been convicted of violating any provision of this chapter, any provision of any previous village solicitation regulation, or any provisions of any local, state, or federal solicitation regulation within five (5) years immediately prior to the date of filing of the application.

Every person wishing to engage in charitable solicitation campaigns must make application for a solicitation permit with the Chief of Police or assigned designee fifteen (15) days prior to the initiation of said campaign. Upon the Chief of Police's issuance of a solicitation permit, all persons engaging in charitable solicitation shall have a copy of the said certificate visibly displayed on their persons at all times during such solicitation.

(B) Denial: If the chief of police determines that the applicant has not met one or more of the conditions set forth in subsection (b) of this section, then the chief of police shall deny issuance of the solicitation permit, shall give the applicant a written notification and explanation of such denial, and return the solicitation permit fee. The chief of police's notice of denial shall be delivered in person or by first class U.S. mail, postage prepaid, addressed to the applicant's current residence address as set forth in the application. The solicitation permit shall be deemed denied on the day that the notice of denial is personally delivered or is placed in the U.S. mail as provided in this subsection. If the chief of police does not issue or deny the solicitation permit within five (5) business days after the chief of police receives the application, then the permit applied for shall be deemed to have been issued. The applicant may appeal the denial of a solicitation permit pursuant to the provisions of this chapter. solicitation

(C) In cases of an application for commercial solicitation, the failure of an applicant to fulfill the requirements of this chapter shall be a basis for the denial of a solicitation permit by the Chief of Police. In addition, no solicitation permit for commercial solicitation shall be issued to any person who has been convicted of a felony under the laws of the State of Illinois or any other State or under the Federal law of the United States within five (5) years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this chapter; nor to any person whose solicitation permit issued hereunder has previously been revoked as herein provided. In the event that any solicitation permit for commercial solicitation is denied for failure to comply with the requirements set forth hereinabove, the Chief of Police shall immediately notify the applicant in writing of the reasons for denial. If said application is not cured within ten (10) days after the date on which the Chief of Police denies the issuance of said solicitation permit, said application shall be null and void. (Ord. 13-O-09, 4-8-2013)(D)

(D) Form And Display Of Permit: A solicitation permit shall be issued by the chief of police and shall consist of a plastic enclosed pin on or clip-on card, approximately two inches by four inches (2" x 4") in size, containing the full facial photograph of the solicitor that was submitted with the application. The name of the solicitor and the business or organization the solicitor represents, if any, the date(s) solicitation shall occur under the permit, and the effective dates of the permit shall be printed on the solicitation permit in easily readable form. Solicitation permits also shall bear the name of the village, the signature of the chief of police or the chief of police's duly authorized designee, and the relevant permit application number. Each solicitor shall display the permit in a

conspicuous place on his or her person at all times while engaged in soliciting in a manner that allows it to be readily seen by other persons.

3-13-5: REGULATIONS APPLICABLE TO ALL SOLICITATION AND CANVASSING:

Any person owning, occupying and/or controlling any private property within the Village may post notice thereon indicating whether or not solicitors are invited at said premises. Except as otherwise provided elsewhere in this Chapter or below, all solicitors and canvassers shall comply with the following regulations:

- a) "No Solicitation" Notices: No person shall solicit or canvass at or in any premises that has posted on or near its principal entrance a sign bearing the words "No Trespassing", "No Peddlers", "No Solicitors", or any other similar notice indicating in any manner that the occupants of such premises desire not to be solicited or canvassed or to have their right to privacy disturbed, unless the occupants have specifically requested such solicitation or other contact. The chief of police or the chief of police's duly authorized designee may make available weatherproof cards bearing a notice of the type herein described for posting on or near the principal entrance to any premises.
- b) No Solicitation From Vehicles: No person shall solicit from a motorized vehicle at any time in any location within the village. Nothing in this Section or Chapter shall be construed to regulate mobile food service vendors who are not equipped with any sound making device and who serve food such as sandwiches and drinks such as coffee primarily to construction sites or commuters from a fixed location on private property for a limited amount of time each day. Such vendors are not considered to be solicitors under this Chapter but are subject to any other applicable Village ordinances or regulations related to their business activities.
- c) No Advertising Or Use Of Sound: No person shall advertise any solicitation at any time within the village by use of signs, sound, or any other method. Nor shall any person use music or any other sound when soliciting.
- d) Principal Approach And Entrance Only: Every solicitor or canvasser who goes from house to house shall approach a premises only by using the principal approach route thereto, and every such solicitor or canvasser shall attempt to make contact with the occupants thereof only at the principal entrance to such premises.
- e) Discontinuance On Request: No solicitor or canvasser shall solicit or canvass any person or premises at any time after any such person or the occupant of such premises requests that the solicitor or canvasser leave the premises or otherwise cease soliciting or canvassing.
- f) Hours When Solicitation Prohibited: Except as provided in subsection 56.06(c) of this chapter, it shall be unlawful for any person to engage in solicitation or canvassing in the Village of Willowbrook at any time prior to 9:00 a.m. or after 5:00 p.m. on Monday through Saturday of each week, or at any time on Sunday or on a State holiday. In the case of Transient Merchants, to engage in business at any time prior to 9:00 a.m. or after 5:00 p.m. on any day. All solicitation shall be prohibited from November 1 through March 31.

- g) Immediate Identification: Every solicitor or canvasser who goes from house to house shall immediately identify himself or herself and the purpose of the solicitation or canvassing activity.
- h) Display Of Permit: Every solicitor who goes from house to house shall display the solicitation permit in a conspicuous place on his or her person at all times while engaged in soliciting in a manner that allows it to be readily seen by other persons.
- i) Impeding Traffic Prohibited: No person shall solicit anywhere in the village in a manner that completely or substantially impedes the flow of pedestrian or vehicular traffic in, on, or around any sidewalk or public property, way, or place. No person engaged in solicitation shall have the exclusive right to any sidewalk or other public property, way, or place, or the right to establish a permanent stationary location for such solicitation.
- j) Soliciting Rides Or Business On Public Rights Of Way: No person shall stand in a public right of way within the village for the purpose of soliciting a ride from the driver of any vehicle, or for the purpose of soliciting employment or business from the occupant of any vehicle.
- k) Fraud Or Misrepresentation: No person shall perpetrate a fraud or misrepresentation of any kind while engaged in solicitation or canvassing within the village.
- l) Public Health And Safety: No person shall engage in solicitation or canvassing within the village in such a manner that creates a danger or threat of any kind to the public health, safety, and welfare.
- m) Sufficiency Of Notice: The posting upon private property of the sign or card notices referenced hereinabove in accordance with the applicable requirements of this section shall constitute actual notification to all solicitors of the information conveyed thereupon by the person(s) owning, occupying and/or controlling said premises. (Ord. 13-O-20, 6-10-2013)
- n) Obedience To Notice on Premises: It shall be the duty of every solicitor or canvasser, upon going onto any premises in the Village, to first examine the notice provided for in section 3-13-7 of this chapter if any is attached and be governed by the statements contained on the notice. If the notice states "No Trespassing", "No Peddlers", "No Solicitors", or any other similar notice, then the solicitor or canvasser shall immediately and peacefully depart from the premises; if the notice states ""No Trespassing", "No Peddlers", "No Solicitors", or any other similar notice , then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises. (Ord. 13-O-09, 4-8-2013)
- o) Uninvited Soliciting Prohibited: It is hereby declared to be unlawful and shall constitute a public nuisance for any person to remain upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the owner or occupant of such premises for the purpose of securing an audience with the owner or occupant thereof, and engage in "solicitation" as herein defined in defiance of the notice exhibited at the premises in accordance with the provisions of section 3-13-7 of this chapter. (Ord. 13-O-09, 4-8-2013)

(p) Duty to Leave Premises on Request: Any solicitor who has gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. (Ord. 13-O-09, 4-8-2013)

(q) Aggressive Solicitation Prohibited:

(1) Definitions: For the purposes of this chapter the following definitions shall apply:

AGGRESSIVE SOLICITATION: Solicitation in a group of two (2) or more persons or solicitation accompanied by any of the following actions:

- a) Touching another person without that person's consent;
- b) Blocking the path of the person solicited or blocking that person's entrance to any building or vehicle;
- c) Continuing to solicit or to request a donation from a person after that person has refused an earlier request;
- d) Following or remaining alongside a person who walks away from the solicitor after being solicited;
- e) Remaining alongside a person's vehicle and continuing to solicit or request a donation after that person has refused an earlier request;
- f) Making any statement, gesture or other communication that would cause a reasonable person to feel threatened into making a donation; or
- g) Using profane or abusive language during the solicitation or following a refusal to make a donation.

SOLICITATION: Nothing in this section shall be construed to permit any loud and raucous noise currently prohibited by title 5, chapter 3 of this Code.

(A) Prohibitions: No person shall engage in aggressive solicitation. No person shall engage in solicitation when the person solicited is located:

1. Within twenty feet (20') of any automated teller machine (ATM) or entrance to a bank, other financial institution, or check cashing business; or

2. On private property, if the owner, tenant or occupant has asked the person not to solicit on the property or has posted a sign prohibiting soliciting.

3-13-6: CHARITABLE SOLICITATION ON PUBLIC RIGHTS OF WAY:

Charitable solicitation on public rights of way within the village shall be allowed only if such charitable solicitation is conducted in strict compliance with all applicable provisions of this chapter, and only if such charitable solicitation also complies with the following regulations:

- (a) Permit Required; Fee; Application Requirements: No person shall engage in charitable solicitation on any public right of way within the village without first having applied for and obtained a valid solicitation permit therefor pursuant to this chapter. Because solicitation on a public right of way does not involve door to door activities,

such solicitation does not involve the same considerations related to public health, safety, and welfare as are raised by door-to-door solicitation. Accordingly, the application for a permit to solicit on a public right of way shall be made only by the charitable organization on behalf of all of the individuals who shall be soliciting. Such application shall include the names and addresses of all such individuals and shall conform to the requirements of this chapter. There shall be no fee for a permit for a charitable organization to solicit charitable contributions on a public right-of-way.

(b) Number of Permits Limited: Permits shall be issued on a first-come, first-serve basis and are limited to one permit per charitable organization. No more than one charitable organization shall engage in charitable solicitation on public rights of way within the village on any one day.

(c) Hours When Permitted: No person shall engage in charitable solicitation on any public right of way within the village at any time between the hours of six (6:00) P.M. or dusk, whichever is earlier, and nine (9:00) A.M. All solicitation shall be prohibited from November 1 through March 31.

(d) Locations: Charitable solicitation on public rights of way within the village shall be engaged in only at intersections with traffic control signal lights and only when traffic has come to a full and complete stop. The approved intersections in the Village are as follows: 63rd Street and Clarendon Hills Road and 67th Street and Route 83.

(e) Annual And Consecutive Days Limitations: No solicitor, or the business or organization represented by the solicitor, shall engage in charitable solicitation on public rights of way within the village on more than two (2) days within any one calendar year. A permit for two (2) consecutive days shall only be allowed if the charitable solicitation will be conducted on a Friday and Saturday.

(f) Minimum Age: No person younger than seventeen (17) years of age shall engage in charitable solicitation on any public right of way within the village.

(g) Protective Clothing: Every person engaged in charitable solicitation on any public right of way within the village shall wear a high visibility vest at all times while engaged in such solicitation.

(h) State Registration: Every business or organization represented by a solicitor engaged in charitable solicitation on any public right of way within the village shall be registered with the Illinois attorney general as a charitable organization pursuant to The Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.

(i) Charitable Solicitation Financial Disclosure: The charitable organization shall distribute to every person solicited, a financial statement of said charitable organization for the preceding twelve (12) months which shall include a balance sheet and statement of income and expenses clearly stating forth the following: gross receipts and gross income from all sources broken down into total receipts and income from each separate solicitation project or source; cost of administration; cost of solicitation; cost of programs designed to inform or educate the public; funds or properties transferred out of the State, with explanation as to the recipient and purpose; total net income amount for each major purpose, charitable or otherwise. Statements shall be signed by the president or other

authorized officer or agent and shall be accompanied by an opinion signed by an independent certified public accountant that said financial statement fairly represents the financial operation of the charitable organization.

A copy of the annual report to the Attorney General of Illinois required by 225 Illinois Compiled Statutes 460/4, may be presented in lieu of the aforementioned financial statement. For the purpose of financial statements, the definitions and standards applicable to the annual report to the Attorney General as set forth in said section 460/4 shall be utilized.

In the event a charitable organization has not been established for a period of twelve (12) months, a copy of the registration statement filed with the Attorney General of Illinois pursuant to 225 Illinois Compiled Statutes 460/2 may be utilized. (Ord. 13-O-09, 4-8-2013)

(j) Statewide Activity: Every business or organization represented by a solicitor engaged in charitable solicitation on any public right of way within the village shall be engaged in statewide fundraising activity.

(k) Liability: Every solicitor engaged in charitable solicitation on any public right of way within the village, and the business or organization represented by the solicitor, shall be liable for all injuries to any person or property that occur during or as a result of the solicitation that are causally related to an act of ordinary negligence of the solicitor or the business or organization the solicitor represents.

(l) Insurance: Before engaging in any charitable solicitation pursuant to this section, the solicitor shall provide to the chief of police a certificate of insurance issued by an insurance company licensed to do business in Illinois indicating that the insurance company will insure the solicitor and the business or organization represented by the solicitor against any injury to any person or property during the solicitation that is causally related to an act of ordinary negligence of the solicitor or of the business or organization represented by the solicitor. Such certificate of insurance shall name the village as an additional insured, shall state that the insurance policy shall not be amended or canceled during the period of the permitted solicitation, and shall reflect that at least the following coverage has been provided:

- (1) Personal injury coverage in an amount not less than one million dollars (\$1,000,000.00) per occurrence and five hundred thousand dollars (\$500,000.00) per person.
- (2) Property damage coverage of at least one hundred thousand dollars (\$100,000.00).

3-13-7: VIOLATIONS DECLARED TO BE NUISANCES:

Every violation of any term, provision, condition, restriction, or duty stated in this chapter or in any solicitation permit issued pursuant thereto is hereby declared to be a public nuisance.

3-13-8 EFFECTIVE PERIOD:

Except as otherwise provided in this chapter, a solicitation permit issued pursuant to this chapter shall be valid for sixty (60) consecutive calendar days. An expiration date shall be printed on the face of each solicitation permit.

3-13-9: REVOCATION:

The chief of police shall immediately revoke any solicitation permit issued pursuant to this chapter if the chief of police determines that the solicitor is in violation of any of the provisions or requirements of this chapter or of the solicitation permit issued pursuant hereto, or if the solicitor made a false material statement in the application or otherwise becomes disqualified for the issuance of a solicitation permit under the terms of this chapter. Immediately after such revocation, the chief of police shall take custody of the solicitation permit. The chief of police shall give written notice of the revocation to the solicitor as soon as practicable thereafter, in the form of a citation that states the reason for the permit revocation, or such other form approved by the chief of police that clearly states the reason for such revocation. The chief of police shall serve the citation or other form of notice on the solicitor in person or by certified U.S. mail, return receipt requested, addressed to the residence address set forth in the solicitor's application. The permit shall become null and void immediately on service of the notice of revocation as provided in this section.

3-13-10 APPEAL OF DENIAL OR REVOCATION:

Any person aggrieved by the chief of police's denial or revocation of a solicitation permit shall have a right to appeal such decision to the village administrator as provided in this section. Within five (5) business days after service of the chief of police's notice of denial or revocation, the applicant or permit holder may make a written request for a hearing regarding the denial or revocation. The village administrator, after receipt of the written request for a hearing, shall set a time and date certain for such hearing within five business (5) days after such receipt. The village administrator shall give written notice of such hearing to the applicant or permit holder at least three (3) business days in advance of the hearing date. At the hearing, the applicant or permit holder may present and submit evidence and witnesses to rebut the reasons cited by the chief of police for revoking or denying the permit. Within two (2) business days after the close of the hearing, the village administrator shall render a decision in writing. The village administrator may reinstate a revoked permit, grant the requested permit or a renewal thereof, or affirm the chief of police's decision. The action taken by the village administrator shall be final.

3-13-11 CHANGE IN INFORMATION:

During the pendency of an application for, or during the term of, any solicitation permit, the applicant or permit holder shall promptly notify the chief of police in writing of any change in any material information given by the applicant or permit holder in the application for such permit.

3-13-12 ADMINISTRATIVE RECORD:

The chief of police shall cause to be kept in the chief of police's office an accurate record of every solicitation permit application received and acted on, together with all other information and material pertaining thereto, and copies of all solicitation permits issued and revoked pursuant to this chapter. Permit applications shall be numbered in consecutive order as filed, and every permit issued pursuant to this chapter and any renewal thereof shall be identified with the number of the application upon which it was issued.

3-13-13: PENALTY:

(a) Penalty: Any person who violates, neglects or refuses to comply, or assists in the violation of, any of the provisions of this chapter, or of any order, solicitation permit, or notice issued pursuant hereto, shall be fined not more than seven hundred and fifty dollars (\$750.00) for each such violation. Each day such violation continues shall constitute a separate offense. The chief of police shall give written notice to any such person of any such violation by serving a citation in person or by certified U.S. mail, return receipt requested.

(b) Payment Without Prosecution: Within ten (10) days after the date of the citation, any person served with a citation issued by the chief of police pursuant to subsection (a) of this section may avoid prosecution for the violation(s) identified in the citation by surrendering the citation to the chief of police and by paying at the same time to the Village of Willowbrook a fine in the sum of fifty dollars (\$50.00).

3-13-14: NO LIMITATION OF FREE SPEECH RIGHTS:

Nothing in this chapter shall be construed or enforced so as to restrict the rights guaranteed by the First Amendment of the Constitution of the United States of America, article I of the Constitution of the State of Illinois, or any Federal or State law protecting the right to freedom of speech or freedom of religion. Nothing in this chapter shall prohibit religious organizations or individuals from religious proselytizing or political organizations or individuals from soliciting contributions for elected public offices or referendum questions to be submitted to the voters, as authorized by Article 9 of the Illinois Election Code (10 ILCS 5/9-1.1, *et seq.*), or otherwise engaging in political activities related to specific individuals, issues, political parties or political action groups.

**Willowbrook Solicitors
Regulations Chapter 13 –
Proposed Option Redline**

SECTION:

3-13-1: Definitions

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3-13-2: Certificate Of Registration Permit Required

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3-13-3: Application For Certificate Of Registration Permit Exemption for Minors

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3-13-4: Application; Issuance Of A Certificate Of Registration; Review Procedure Solicitation Permit

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3-13-5: Records Of Applications, Certificates Regulations Applicable to All Solicitation and Canvassing

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3-13-6: Charitable Solicitation; Financial Disclosure Charitable Solicitation on Public Rights of Way

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3-13-7: Notice Regulating Solicitation Violations Declared to be Nuisances

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3-13-8: Obedience To Notice On Premises Effective Period

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3-13-9: Uninvited Soliciting Prohibited Revocation

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3-13-10: Duty To Leave Premises On Request Appeal of Denial or Revocation

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3-13-11: Aggressive Solicitation Prohibited Change in Information

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3-13-12: Hours, Days Of Solicitation Administrative Record

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3-13-13: Felons As Solicitors Penalty

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3-13-14: Fraudulent Misrepresentation And Misstatement Prohibited No Limitation of Free Speech Rights

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3-13-15: Revocation Of Certificate; Review

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3-13-1: DEFINITIONS:

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The following words and phrases as used in this chapter shall have the following meanings, unless a different meaning is required by the context:

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AGGRESSIVE SOLICITATION: A mode of prohibited solicitation hereafter defined in section 3-13-11 of this chapter.

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APPLICANT: Any person that files an application for a solicitation permit as provided for in this chapter.

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AUTOMATED TELLER MACHINE: Any automated teller machine as defined by the Automated Teller Machine Security Act, 205 Illinois Compiled Statutes 695/1 et seq., as amended.

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AUTOMATED TELLER MACHINE: Any automated teller machine (ATM) hereafter defined in section 3-13-11 of this chapter.

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BANK: Any bank or financial institution as defined by the Illinois Banking Act, 205 Illinois Compiled Statutes 5/1 et seq., as amended.

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~~BANK: Any bank or financial institution hereafter defined at section 3-13-11 of this chapter.~~

CANVASSER: A person engaged in canvassing. Canvassing Going from place to place in the Village seeking to make personal contact with residents or other persons where there is no request, invitation or appointment for such contact, but excluding persons engaged in solicitation as defined herein.

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CHARITABLE ORGANIZATION: Any benevolent, philanthropic, patriotic, not for profit, religious or eleemosynary person or one purporting to be such which solicits and collects funds for charitable purposes.

CHARITABLE PURPOSE: Any charitable, benevolent, philanthropic, patriotic, not for profit, religious or eleemosynary purpose.

CHIEF OF POLICE: The chief of police or any of his or her authorized representatives.

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CHARITABLE SOLICITATION: Any request for the donation of money, property or anything of value or the pledge of a future donation of money, property or anything of value; or the selling or offering for sale of any property, real or personal, tangible or intangible, whether of value or not, including, but not limited to, goods, books, pamphlets, tickets, publications or subscriptions to publications or brochures, upon the representation, express or implied, that the proceeds of such sale will be used for a "charitable purpose" as such term is herein defined.

COMMERCIAL SOLICITATION: Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever.

PERSON: Any individual, organization, group, association, partnership, corporation, joint venture, trust or any combination thereof.

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PREMISES: Any occupied building or structure, or any separate dwelling unit contained within any occupied building or structure, of any type within the village.

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REGISTERED SOLICITOR: Any person who has obtained a valid ~~certificate of registration~~solicitation permit as hereinafter provided, which certificate is in the possession of the solicitor, conspicuously displayed on his or her person while engaged in solicitation.

SOLICITATION: Any verbal request hereafter defined at section 3-13-11 of this chapter. A verbal request made in person upon any street, public place or park in the Village for an immediate donation of money or other thing of value, including a request to purchase an item or service of little or no monetary value in circumstances where a reasonable person would understand that the purchase is in substance a donation. Solicitation does not include the act of passively standing, sitting or engaging in a musical performance or other street performance with a sign or other indication that donations are being sought, without any verbal request for a donation other than in response to an inquiry by another person. Solicitation shall not include any activity which is purely expressive in nature, such as attempts to enlist support for or against a particular religion, philosophy, ideology, political party, issue, candidate or other cause that does not involve either the solicitation of funds or a proposal to engage in a commercial transaction.

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(Ord. 13-O-09, 4-8-2013)

SOLICITOR: A person engaged in solicitation.

TRANSIENT MERCHANT: A solicitor who engages temporarily in the retail sale of goods, wares or merchandise in the Village and in pursuance of such sales occupies any building, room, vehicle, structure of any kind, or vacant lot. Transient Merchants and solicitors shall not include a person selling goods, wares or merchandise, including vegetables, fruit or perishable farm products, at an established Village farmers market or other Village-sponsored event or market, or at a church fair or other similar event of limited duration held by a unit of local government or not-for-profit organization for fund-raising purposes.

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3-13-2: CERTIFICATE OF REGISTRATION PERMIT REQUIRED:

It shall be unlawful for any charitable organization to engage in charitable solicitation for charitable purposes, or for any person to engage in commercial solicitation within any residentially zoned district under the Village of Willowbrook zoning ordinance, within the corporate limits of the Village, unless such organization or person shall have first obtained a certificate of registration as valid solicitation permit from the Village as hereinafter provided. Persons engaged in canvassing shall not be subject to permitting requirements of this Chapter, but are subject to certain other time, place and manner restrictions, as provided in this Chapter. (Ord. 13-O-09, 4-8-2013)

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3-13-3: Permit Exemption for Minors PERMIT EXEMPTION FOR MINORS:

Persons under the age of seventeen (17) years engaged in charitable solicitation within the Village shall not be required to obtain a solicitation permit. However, any such person under the age of seventeen (17) years shall comply with all other applicable provisions of this chapter.

3-13-43: APPLICATION FOR CERTIFICATE OF REGISTRATIONSOLICITATION PERMIT:

An applicant for a certificate of registration solicitation permit shall file with the chief of police a properly completed application therefor on a form provided for such purpose by the chief of police, be made upon a form provided by the Village. The applicant shall be given a copy of this chapter, acknowledge its contents, and agree to comply with all its requirements. The applicant shall verify under oath all statements made on or in connection with the following information truthfully state in full the following information requested on the application:

- (A) (A) The names and addresses of the charitable or commercial organization(s)/person(s) and the name or names under which it/he/she intends to engage in solicitation as well as the solicitation methods that the applicant and the applicant's business or organization will employ within the village.
- (B) The name and address of the person to be in charge of such solicitation, as well as the following:
- a) the name and address of a principal officer, director, or chief executive officer of the applicant's business or organization with the authority who is authorized to determine matters related to the application, and the registered agent for the business or organization for service in Illinois, if any,
- b) The name and address of the business or organization or other person or entity that the applicant represents for purposes of the solicitation for which the permit is sought, if different from the applicant's current employer,

in the Village and an address within the State where service of process may be had.

(C) The names and addresses required information of all persons who will engage in such solicitation in the Village as follows:-

- a) The applicant's local address, whether temporary or permanent, if different from the applicant's current residence address.
- b) The applicant's name and current residence address, and the length of time the applicant has resided at such address.
- c) The applicant's business address, if different from the applicant's residence address.
- d) The applicant's ~~social security number and driver's license number~~, or, if the applicant has neither, then some other official form of identification, other form of government issued identification.
- e) The applicant's physical description, including sex, height, weight, hair color, and eye color.
- f) Two (2) copies of a two inch by two-inch (2" x 2") photograph showing the full facial features of the applicant. Such photograph shall have been taken within thirty (30) days immediately prior to the date of filing of the application.
- g) If more than one solicitor will be soliciting on behalf of a business or organization, then the names(s), address(es), and telephone number(s) of ~~the~~ person(s) who will be in direct charge of the solicitors on behalf of such business or organization.
- h) If the applicant seeks a permit to conduct charitable solicitation, ~~then~~ a written confirmation or registration statement by the Illinois attorney general, made within six (6) months immediately prior to the date of filing of the application, that the business or organization represented by the applicant is in full compliance with all applicable provisions of Illinois' Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.
- i) If the applicant is subject to payment of the Retailers' Occupation Tax, a copy of the applicant's solicitation permit issued by the State of Illinois under the Municipal Retailers' Occupation Tax imposed by Section 60-3 of this Code.
- j) The solicitation permit fee in an amount equal to \$22222 dollars (\$22222.00), or, in the case of solicitors who are transient merchants, an amount equal to \$\$\$\$\$\$ dollars (\$100.00??????).

(D) An acknowledgment stating that the names and addresses of all persons who will engage in such solicitation in the Village shall be verified by valid State identification with visible photo.

(E) A statement acknowledging both the identity of the soliciting organization, agency or project and that the same must be engaged in a Nationwide or Statewide fundraising activity when soliciting within the Village.

(F) A statement of the dates and times of the day when such solicitation will occur and the geographic area within the Village wherein such solicitation will be conducted at that particular time and day.

(G) A statement of the date, or approximate date, of the applicant's last previous application for a ~~certificate of registration~~ solicitation permit under this chapter, if any.

(H) A statement as to whether a ~~certificate of registration~~ solicitation permit issued to the applicant under this chapter has ever been suspended or revoked ~~or, if the applicant's and any violation, within the previous five (5) years, of any provision of any previous Village solicitation regulation, of any of the provisions of this chapter, or of any local, state, or federal solicitation regulation.~~

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—(I) A statement as to whether the ~~applicant has ever been convicted of a violation of any of the provisions of state law, this chapter, or the any other municipal ordinances related to of any other Illinois municipality's solicitation regulations.~~ ~~applicant has ever been convicted of a violation of any of the provisions of this chapter, or the ordinances of any other Illinois municipality's solicitation regulations.~~

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(J) A written statement of recent date issued by the Attorney General of Illinois that the charitable organization has complied with the provisions of "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes...", 225 Illinois Compiled Statutes 460/1 et seq., or a written statement by the Attorney General of exemption under 225 Illinois Compiled Statutes 460/3 (applies only to charitable solicitation).

(K) A copy of the most recent annual report filed with the Illinois Attorney General pursuant to 225 Illinois Compiled Statutes 460/4. In the event a charitable organization has not yet been required to file an annual report, a copy of the registration statement filed with the Attorney General of Illinois pursuant to 225 Illinois Compiled Statutes 460/2, may be utilized (applies only to commercial solicitation).

(L) A statement by the applicant listing the names and addresses of the person(s) or organization(s) whom the applicant is employed by or represents, and the length of time of such employment or representation (applies only to commercial solicitation).

(M) A description sufficient for identification of the subject matter of the solicitation which the applicant will engage in (applies only to commercial solicitation).

(N) A statement as to whether the applicant has ever been convicted of the commission of a felony ~~or has been convicted of a misdemeanor for a crime involving moral turpitude or truth and veracity,~~ under the laws of the State of Illinois or any other state, or of a Federal law of the United States ~~and the nature of any such conviction~~ (applies only to commercial solicitation).

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(O) A statement by the applicant acknowledging that no person shall stand on any street, highway or roadway within the Village, or on any right-of-way of the same for the purpose of peddling or soliciting contributions except that persons soliciting charitable contributions from the occupant of any vehicle may do so upon satisfying all requirements of this chapter.

(P) A statement by the applicant acknowledging that solicitation under this chapter shall be allowed only at intersections where all traffic is required to come to a full stop.

(Q) A statement by the applicant acknowledging that solicitation shall be limited to a specific intersection or intersections and within a ~~one hundred foot~~ ~~one-hundred-foot~~ (100') distance along each leg of the said specific intersection(s).

(R) A statement by the applicant acknowledging that the soliciting organization shall be responsible for supervising and controlling the conduct of all persons soliciting as listed on the approved application for a ~~certificate of registrationsolicitation permit~~.

(S) A statement by the applicant acknowledging that all persons soliciting for the contribution of funds or anything of value on any public street shall not obstruct vehicular traffic or pedestrian traffic and shall fully comply with all local and State traffic regulations.

(T) A statement by the applicant acknowledging that all persons engaged in the act of solicitation on a roadway shall be a minimum of ~~sixteen-seventeen~~ (176) years of age and shall wear a high visibility vest at all times. The high visibility vest shall be provided by the soliciting organization and subject to Village approval. Further, said individual shall have readily visible on

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their person the Village of Willowbrook ~~certificate of registration solicitation permit~~ identification provided by the ~~Village Clerk~~ Chief of Police.

(U) A statement by the applicant acknowledging that any solicitation on the roadway shall only be allowed where there is a center dividing median area separating vehicle travel lanes.

(V) A statement by the applicant acknowledging that every solicitor engaged in soliciting on any real property owned by the Village or within the Village and the business or organization represented by the solicitor shall be liable for all injuries to any person or property that occurs during or as a result of such solicitation and which is casually related to an act of ordinary negligence of the solicitor or the business or organization the solicitor represents.

(W) A statement by the applicant acknowledging that the ~~certificate of registration solicitation permit~~ approving its solicitation on a given intersection of a public street within the Village limits shall be restricted to one soliciting organization soliciting on the public streets within the Village at one time; and, that a ~~certificate of registration solicitation permit~~ approval list shall be determined by the order in which complete applications for the said certificates are filed with the Village.

(X) A statement by the applicant acknowledging the following: 1) that all persons engaging in solicitation on its behalf are prohibited from engaging in any act of "aggressive solicitation" as that term is defined ~~at section 3-13-11 of in Section 3-13-5 (g) of this chapter;~~ 2) that any person who commits an act of "aggressive solicitation" prohibited by the said ~~section 3-13-11 of this chapter~~ shall be subject to a fine as provided in the general penalty provisions ~~of Title I, Chapter 4, Section 1-4-1 of section 1-4-1 of this Code;~~ and, 3) that any certificate of registration to engage in charitable or commercial solicitation in this Village previously obtained by any registrant shall be revoked by the Mayor and Board of Trustees upon a finding that any person soliciting on the registrant's behalf has violated the prohibition on aggressive solicitation set forth in ~~section 3-13-11 of this chapter.~~ (Ord. 13-O-09, 4-8-2013)

(Y) ~~Felons as Solicitors: It shall be unlawful for any person or organization to utilize as a solicitor any person who has been convicted of a felony under the laws of the State of Illinois or any other state, or under the Federal law of the United States, within five (5) years of the date of the application. Every registrant pursuant to this chapter shall, as part of said registration application, stipulate that no individual employees, independent contractors, employees of independent contractors, volunteers or any other such person associated with the registrant is a convicted "sex offender" as defined by 730 Illinois Compiled Statutes 150/2 and as may similarly be applicable to any other law enforcement jurisdictions throughout the United States. Every registrant shall include the names, addresses and dates of birth for every person who will be working with them in the Village for the registered purpose and shall provide an affidavit certifying that such persons, including the registrant, have not been convicted of any felony, nor convicted on two (2) or more occasions of driving under the influence of alcohol or drugs. Such solicitation permit as is required in this chapter shall be updated whenever any change in such persons occurs for the registrant at any time during the registered year.~~

(Z) ~~Fraudulent Misrepresentation and Misstatement Prohibited: No person shall misrepresent his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement, deception or fraud, in connection with any charitable or commercial solicitation, or in any application or report filed under this chapter.~~

~~3-13-45: APPLICATION; ISSUANCE OF A CERTIFICATE OF REGISTRATION; REVIEW PROCEDURE; REGULATIONS APPLICABLE TO ALL SOLICITATION AND CANVASSING;~~

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(A) Issuance: The chief of police shall issue a solicitation permit to an applicant)--All applications for a certificate of registration shall be submitted to the Village Clerk and its contents shall be verified under oath. The Village Clerk shall act upon such application within five (5) business days after its receipt: if, but only if, the chief of police finds and determines all of the following:

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(1) The applicant has properly provided all information required by the chief of police and the application, the material statements made in the application are true, and the fee has been paid.

(2) The applicant has not been convicted within five (5) years immediately prior to the date of filing of the application of a felony under the laws of the state of Illinois, any other state, or the United States, or convicted of a misdemeanor for a crime involving moral turpitude or truth and veracity, under the laws of the State of Illinois, any other state, or the United States.

(3) The applicant has not had a village solicitation permit revoked or suspended within five (5) years immediately prior to the date of filing of the application.

(4) The applicant has not been convicted of violating any provision of this chapter, any provision of any previous village solicitation regulation, or any provisions of any local, state, or federal solicitation regulation within five (5) years immediately prior to the date of filing of the application.

~~No application shall be effective until acted upon by the Village Clerk. If the Village Clerk finds and determines that all the requirements of this chapter have been met, the Village Clerk shall issue said certificate of registration forthwith. Every person wishing to engage in charitable solicitation campaigns must make application for a certificate of registration solicitation permit with the Village Clerk Chief of Police or assigned designee fifteen (15) days prior to the initiation of said campaign. Upon the Village Clerk Chief of Police's issuance of a certificate of registration solicitation permit, all persons engaging in charitable solicitation shall have a copy of the said certificate visibly displayed on their persons at all times during such solicitation.~~

(B) Denial: If the chief of police determines that the applicant has not met one or more of the conditions set forth in subsection (b) of this section, then the chief of police shall deny issuance of the solicitation permit, shall give the applicant a written notification and explanation of such denial, and return the solicitation permit fee. The chief of police's notice of denial shall be delivered in person or by first class U.S. mail, postage prepaid, addressed to the applicant's current residence address as set forth in the application. The solicitation permit shall be deemed denied on the day that the notice of denial is personally delivered or is placed in the U.S. mail as provided in this subsection. If the chief of police does not issue or deny the solicitation permit within five (5) business days after the chief of police receives the application, then the permit applied for shall be deemed to have been issued. The applicant may appeal the denial of a solicitation permit pursuant to the provisions of this chapter. In the case of an application for a certificate of registration to engage in charitable solicitation, the failure of an applicant to fulfill the requirements of this chapter shall be the sole basis for the denial of a certificate of registration solicitation by the Village Clerk. In the event that any certificate of registration to engage in charitable solicitation is denied for failure to comply with the requirements of this chapter, the Village Clerk shall immediately notify the applicant in writing of the reasons for said denial. If said application is not cured within ten (10) days after the date on which the Village Clerk denies the issuance of said certificate of registration, the Village Attorney shall be and is

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hereby authorized to apply to the Circuit Court of DuPage County, Illinois, or the United States District Court for the Northern District of Illinois for a judicial determination as to whether the charitable solicitation described in the application may be prohibited. The applicant shall be named in any action as a party defendant. The Village shall assert every possible and reasonable effort to have the case heard on its merits without undue delay as soon as legally possible. If a judicial determination is not made within thirty (30) days after the date of denial, an interim certificate of registration shall be deemed issued which shall be valid until such judicial determination is made.

(C) In the cases of an application for commercial solicitation, the failure of an applicant to fulfill the requirements of this chapter shall be a basis for the denial of a ~~certificate of registrationsolicitation permit~~ by the ~~Village ClerkChief of Police~~. In addition, no ~~certificate of registrationsolicitation permit~~ for commercial solicitation shall be issued to any person who has been convicted of a felony under the laws of the State of Illinois or any other State or under the Federal law of the United States within five (5) years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this chapter; nor to any person whose ~~certificate of registrationsolicitation permit~~ issued hereunder has previously been revoked as herein provided. In the event that any ~~certificate of registrationsolicitation permit~~ for commercial solicitation is denied for failure to comply with the requirements set forth hereinabove, the ~~Village ClerkChief of Police~~ shall immediately notify the applicant in writing of the reasons for denial. If said application is not cured within ten (10) days after the date on which the ~~Village ClerkChief of Police~~ denies the issuance of said ~~certificate of registrationsolicitation permit~~, said application shall be null and void. (Ord. 13-O-09, 4-8-2013)

(D) Form And Display Of Permit: A solicitation permit shall be issued by the chief of police and shall consist of a plastic enclosed pin on or clip-on card, approximately two inches by four inches (2" x 4") in size, containing the full facial photograph of the solicitor that was submitted with the application. The name of the solicitor and the business or organization the solicitor represents, if any, the date(s) solicitation shall occur under the permit, and the effective dates of the permit shall be printed on the solicitation permit in easily readable form. Solicitation permits also shall bear the name of the village, the signature of the chief of police or the chief of police's duly authorized designee, and the relevant permit application number. Each solicitor shall display the permit in a conspicuous place on his or her person at all times while engaged in soliciting in a manner that allows it to be readily seen by other persons.

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3-13-5: RECORDS OF APPLICATIONS, CERTIFICATES:

The Village Clerk shall cause to be kept in her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto, all certificates of registration issued under the provisions of this chapter, and a record of the denial of any and all applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued. (Ord. 13-O-09, 4-8-2013)

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3-13-6: CHARITABLE SOLICITATION; FINANCIAL DISCLOSURE:

The charitable organization shall distribute to every person solicited, a financial statement of said charitable organization for the preceding twelve (12) months which shall include a balance sheet and statement of income and expenses clearly stating forth the following: gross receipts and gross income from all sources broken down into total receipts and income from each separate solicitation project or source; cost of administration; cost of solicitation; cost of programs designed to inform or educate the public; funds or properties transferred out of the State, with explanation as to the recipient and purpose; total net income amount for each major

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purpose, charitable or otherwise. Statements shall be signed by the president or other authorized officer or agent and shall be accompanied by an opinion signed by an independent certified public accountant that said financial statement fairly represents the financial operation of the charitable organization.

A copy of the annual report to the Attorney General of Illinois required by 225 Illinois Compiled Statutes 460/4, may be presented in lieu of the aforementioned financial statement. For the purpose of financial statements, the definitions and standards applicable to the annual report to the Attorney General as set forth in said section 460/4 shall be utilized.

In the event a charitable organization has not been established for a period of twelve (12) months, a copy of the registration statement filed with the Attorney General of Illinois pursuant to 225 Illinois Compiled Statutes 460/2 may be utilized. (Ord. 13-O-09, 4-8-2013)

3-13-75: REGULATIONS APPLICABLE TO ALL SOLICITATION AND CANVASSING; NOTICE REGULATING SOLICITATION:

Any person owning, occupying and/or controlling any private property within the Village may post notice thereon indicating whether or not solicitors are invited at said premises. Except as otherwise specified provided elsewhere in this Chapter or below, all solicitors and canvassers shall comply with the following regulations: Such notice shall be given in accordance with the following requirements of this section:

(a) "No Solicitation" Notices: No person shall solicit or canvass at or in any premises that has posted on or near its principal entrance a sign bearing the words "No Trespassing", "No Peddlers", "No Solicitors", or any other similar notice indicating in any manner that the occupants of such premises desire not to be solicited or canvassed or to have their right to privacy disturbed, unless the occupants have specifically requested such solicitation or other contact. The chief of police or the chief of police's duly authorized designee may make available weatherproof cards bearing a notice of the type herein described for posting on or near the principal entrance to any premises.

(b) No Solicitation From Vehicles: No person shall solicit from a motorized vehicle at any time in any location within the village. Nothing in this Section or Chapter shall be construed to regulate mobile food service vendors who are not equipped with any sound making device and who serve food such as sandwiches and drinks such as coffee primarily to construction sites or commuters from a fixed location on private property for a limited amount of time each day. Such vendors are not considered to be solicitors under this Chapter but are subject to any other applicable Village ordinances or regulations related to their business activities.

(c) No Advertising Or Use Of Sound: No person shall advertise any solicitation at any time within the village by use of signs, sound, or any other method. Nor shall any person use music or any other sound when soliciting.

(d) Principal Approach And Entrance Only: Every solicitor or canvasser who goes from house to house shall approach a premises only by using the principal approach route thereto, and every such solicitor or canvasser shall attempt to make contact with the occupants thereof only at the principal entrance to such premises.

(e) Discontinuance On Request: No solicitor or canvasser shall solicit or canvass any person or premises at any time after any such person or the occupant of such premises

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requests that the solicitor or canvasser leave the premises or otherwise cease soliciting or canvassing.

(f) Hours When Solicitation Prohibited: Except as provided in subsection 56.06(c) of this chapter, it shall be unlawful for any person to engage in solicitation or canvassing in the Village of Willowbrook at any time prior to 9:00 a.m. or after 5:00 p.m. on any weekday and at any time prior to 9:00 a.m. or after 5:00 p.m. on SaturdayMonday through Saturday of each week, or at any time on Sunday or on a State holiday. -or, in the case of Transient Merchants, to engage in business at any time prior to 9:00 a.m. or after 5:00 p.m. on any day. All solicitation shall be prohibited from November 1 through March 31.

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(g) Immediate Identification: Every solicitor or canvasser who goes from house to house shall immediately identify himself or herself and the purpose of the solicitation or canvassing activity.

(h) Display Of Permit: Every solicitor who goes from house to house shall display the solicitation permit in a conspicuous place on his or her person at all times while engaged in soliciting in a manner that allows it to be readily seen by other persons.

(i) Impeding Traffic Prohibited: No person shall solicit anywhere in the village in a manner that completely or substantially impedes the flow of pedestrian or vehicular traffic in, on, or around any sidewalk or public property, way, or place. No person engaged in solicitation shall have the exclusive right to any sidewalk or other public property, way, or place, or the right to establish a permanent stationary location for such solicitation.

(j) Soliciting Rides Or Business On Public Rights Of Way: No person shall stand in a public right of way within the village for the purpose of soliciting a ride from the driver of any vehicle, or for the purpose of soliciting employment or business from the occupant of any vehicle.

(k) Fraud Or Misrepresentation: No person shall perpetrate a fraud or misrepresentation of any kind while engaged in solicitation or canvassing within the village.

(l) Public Health And Safety: No person shall engage in solicitation or canvassing within the village in such a manner that creates a danger or threat of any kind to the public health, safety, and welfare.

—(A) Private Roadway Sign Notice: In cases where the private premises to be affected by such notice are improved for use as multi-family residential dwelling buildings, accessed by vehicles over private roadways and controlled by a homeowners' association (HOA), the said association may post such sign notice at both the premises' private roadway intersection(s) with the surrounding public street system and at its private roadway intersection(s) with the premises' on-site, accessory parking facilities. At such locations, said notice shall be given by means of reflective, weatherproof signs approximately eight inches by eleven and one half inches (8" x 11½") in size, having letters at least one inch (1") in height and displaying thereupon the following words: 1) "Only Solicitors Registered In Willowbrook Invited", or 2) "No Solicitors Invited".

Before posting any such sign notice upon the aforesaid premises, the homeowners' association thereof shall submit the following information in writing to the Chief of the Police Department: a statement of the association's proposal to post such signs upon the premises; a

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~~specification of the number, size and location of each proposed sign; and, an exemplar of the exact words to be displayed upon every such sign. Upon the Chief's receipt of this information, he or she shall then preliminarily determine and advise the association in writing whether the proposed signs satisfy the notice requirements of this subsection. Upon the association's receipt of the Chief's written advice that he or she has preliminarily determined that the proposed signs satisfy said requirements, it may then post the said signs upon the premises. The preliminary determination and advice of the Chief that the association's proposed signs satisfy the notice requirements of this subsection is subject to his or her subsequent inspection and determination that said signs have since been posted in accord with said requirements.~~

~~—(B) Main Entry Door Sign Notice: In cases where the private premises to be affected by such notice are improved for use as multi-family residential dwelling buildings, not accessed by vehicles over private roadways and controlled by a homeowners' association (HOA), the said association may post such sign notice upon or near the main entry doors of all the said buildings located thereon. At such locations, said notice shall be given by means of weatherproof signs approximately eight inches by eleven and one-half inches (8" x 11½") in size, having letters at least one inch (1") in height and displaying thereupon the following words: 1) "Only Solicitors Registered In Willowbrook Invited", or 2) "No Solicitors Invited".~~

~~Before posting any such sign notice upon the aforesaid premises, the homeowners' association thereof shall submit the following information in writing to the Chief of the Police Department: a statement of the association's proposal to post such signs upon the premises; a specification of the number, size and location of each proposed sign; and, an exemplar of the exact words to be displayed upon every such sign. Upon the Chief's receipt of this information, he or she shall then preliminarily determine and advise the association in writing whether the proposed signs satisfy the notice requirements of this subsection. Upon the association's receipt of the Chief's written advice that he or she has preliminarily determined that the proposed signs satisfy said requirements, it may then post the said signs upon the premises. The preliminary determination and advice of the Chief that the association's proposed signs satisfy the notice requirements of this subsection is subject to his or her subsequent inspection and determination that said signs have since been posted in accord with said requirements.~~

~~—(C) Card Notice: In all other cases where the use and control of private premises to be affected by such notice are other than as described in subsections (A) and (B) of this section, said notice may be posted by the owner or occupant upon or near the said premises' main entry door by means of a weatherproof card approximately three inches by four inches (3" x 4") in size, having letters at least one-third inch (⅓") in height and displaying the following words: 1) "Only Solicitors Registered In Willowbrook Invited", or 2) "No Solicitors Invited". For the purpose of uniformity, the said cards shall be provided by the Chief of the Police Department to persons requesting the same, at cost.~~

~~(Dm) Sufficiency Of Notice: The posting upon private property of the sign or card notices referenced hereinabove in accordance with the applicable requirements of this section shall constitute actual notification to all solicitors of the information conveyed thereupon by the person(s) owning, occupying and/or controlling said premises. (Ord. 13-O-20, 6-10-2013)~~

~~3-13-8- (n) OBEDIENCE TO NOTICE ON PREMISES~~
~~OBEDIENCE TO NOTICE ON PREMISES:~~

~~It shall be the duty of every solicitor or canvasser, upon going onto any premises in the Village, to first examine the notice provided for in section 3-13-7 of this chapter if any is attached and be governed by the statements contained on the notice. If the notice states "No Trespassing", "No Peddlers", "No Solicitors", or any other similar notice "Only Solicitors Registered In Willowbrook Invited", then the solicitor or canvasser not possessing a valid certificate of~~

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~~registration solicitation permit as herein provided~~ shall immediately and peacefully depart from the premises; if the notice states ~~"No Trespassing", "No Peddlers", "No Solicitors", or any other similar notice, No Solicitors Invited"~~, then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises. (Ord. 13-O-09, 4-8-2013)

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~~3-13-9-(o) Uninvited Soliciting Prohibited: UNINVITED SOLICITING PROHIBITED:~~

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It is hereby declared to be unlawful and shall constitute a public nuisance for any person to remain upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the owner or occupant of such premises for the purpose of securing an audience with the owner or occupant thereof, and engage in "solicitation" as herein defined in defiance of the notice exhibited at the premises in accordance with the provisions of section 3-13-7 of this chapter. (Ord. 13-O-09, 4-8-2013)

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~~3-13-10-(p) DUTY TO LEAVE PREMISES ON REQUEST~~ Duty to Leave Premises on Request;

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Any solicitor who has gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. (Ord. 13-O-09, 4-8-2013)

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~~3-13-11-(q): AGGRESSIVE SOLICITATION PROHIBITED~~ Aggressive Solicitation Prohibited:
AGGRESSIVE SOLICITATION PROHIBITED:

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(A1) Definitions: For the purposes of this chapter the following definitions shall apply:

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AGGRESSIVE SOLICITATION: Solicitation in a group of two (2) or more persons or solicitation accompanied by any of the following actions:

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~~1a.~~ Touching another person without that person's consent;

~~2b.~~ Blocking the path of the person solicited or blocking that person's entrance to any building or vehicle;

~~3c.~~ Continuing to solicit or to request a donation from a person after that person has refused an earlier request;

~~4d.~~ Following or remaining alongside a person who walks away from the solicitor after being solicited;

~~5e.~~ Remaining alongside a person's vehicle and continuing to solicit or request a donation after that person has refused an earlier request;

~~6f.~~ Making any statement, gesture or other communication that would cause a reasonable person to feel threatened into making a donation; or

~~7g.~~ Using profane or abusive language during the solicitation or following a refusal to make a donation.

~~—AUTOMATED TELLER MACHINE: Any automated teller machine as defined by the Automated Teller Machine Security Act, 205 Illinois Compiled Statutes 695/4 et seq., as amended.~~

~~BANK: Any bank or financial institution as defined by the Illinois Banking Act, 205 Illinois Compiled Statutes 5/1 et seq., as amended.~~

~~SOLICITATION: A verbal request made in person upon any street, public place or park in the Village for an immediate donation of money or other thing of value, including a request to purchase an item or service of little or no monetary value in circumstances where a reasonable person would understand that the purchase is in substance a donation. Solicitation does not~~

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~~include the act of passively standing, sitting or engaging in a musical performance or other street performance with a sign or other indication that donations are being sought, without any verbal request for a donation other than in response to an inquiry by another person. Nothing in this section shall be construed to permit any loud and raucous noise currently prohibited by title 5, chapter 3 of this Code.~~

(B) Prohibitions: No person shall engage in aggressive solicitation. No person shall engage in solicitation when the person solicited is located:

1. Within twenty feet (20') of any automated teller machine (ATM) or entrance to a bank, other financial institution, or check cashing business; or
2. On private property, if the owner, tenant or occupant has asked the person not to solicit on the property or has posted a sign prohibiting soliciting.

3-13-6: CHARITABLE SOLICITATION ON PUBLIC RIGHTS OF WAY:

Charitable solicitation on public rights of way within the village shall be allowed only if such charitable solicitation is conducted in strict compliance with all applicable provisions of this chapter, and only if such charitable solicitation also complies with the following regulations:

(a) Permit Required; Fee; Application Requirements: No person shall engage in charitable solicitation on any public right of way within the village without first having applied for and obtained a valid solicitation permit therefor pursuant to this chapter. Because solicitation on a public right of way does not involve door to door activities, such solicitation does not involve the same considerations related to public health, safety, and welfare as are raised by door-to-door solicitation. Accordingly, the application for a permit to solicit on a public right of way shall be made only by the charitable organization on behalf of all of the individuals who shall be soliciting. Such application shall include the names and addresses of all such individuals and shall conform to the requirements of this chapter. There shall be no fee for a permit for a charitable organization to solicit charitable contributions on a public right-of-way.

(b) Number of Permits Limited: Permits shall be issued on a first-come, first-serve basis and are limited to one permit per charitable organization. No more than one charitable organization shall engage in charitable solicitation on public rights of way within the village on any one day.

(c) Hours When Permitted: No person shall engage in charitable solicitation on any public right of way within the village at any time between the hours of six (6:00) P.M. or dusk, whichever is earlier, and nine (9:00) A.M. All solicitation shall be prohibited from November 1 through March 31.

(d) Locations: Charitable solicitation on public rights of way within the village shall be engaged in only at intersections with traffic control signal lights and only when traffic has come to a full and complete stop. The approved intersections in the Village are as follows: 63rd Street and Clarendon Hills Road and 67th Street and Route 83.

(e) Annual And Consecutive Days Limitations: No solicitor, or the business or organization represented by the solicitor, shall engage in charitable solicitation on public rights of way within the village on more than two (2) days within any one calendar year.

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A permit for two (2) consecutive days shall only be allowed if the charitable solicitation will be conducted on a Friday and Saturday.

(f) Minimum Age: No person younger than seventeen (17) years of age shall engage in charitable solicitation on any public right of way within the village.

(g) Protective Clothing: Every person engaged in charitable solicitation on any public right of way within the village shall wear a high visibility vest at all times while engaged in such solicitation.

(h) State Registration: Every business or organization represented by a solicitor engaged in charitable solicitation on any public right of way within the village shall be registered with the Illinois attorney general as a charitable organization pursuant to The Illinois Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.

(i) Charitable Solicitation Financial Disclosure: The charitable organization shall distribute to every person solicited, a financial statement of said charitable organization for the preceding twelve (12) months which shall include a balance sheet and statement of income and expenses clearly stating forth the following: gross receipts and gross income from all sources broken down into total receipts and income from each separate solicitation project or source; cost of administration; cost of solicitation; cost of programs designed to inform or educate the public; funds or properties transferred out of the State, with explanation as to the recipient and purpose; total net income amount for each major purpose, charitable or otherwise. Statements shall be signed by the president or other authorized officer or agent and shall be accompanied by an opinion signed by an independent certified public accountant that said financial statement fairly represents the financial operation of the charitable organization.

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A copy of the annual report to the Attorney General of Illinois required by 225 Illinois Compiled Statutes 460/4, may be presented in lieu of the aforementioned financial statement. For the purpose of financial statements, the definitions and standards applicable to the annual report to the Attorney General as set forth in said section 460/4 shall be utilized.

In the event a charitable organization has not been established for a period of twelve (12) months, a copy of the registration statement filed with the Attorney General of Illinois pursuant to 225 Illinois Compiled Statutes 460/2 may be utilized. (Ord. 13-O-09, 4-8-2013)

(j) Statewide Activity: Every business or organization represented by a solicitor engaged in charitable solicitation on any public right of way within the village shall be engaged in statewide fundraising activity.

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(k) Liability: Every solicitor engaged in charitable solicitation on any public right of way within the village, and the business or organization represented by the solicitor, shall be liable for all injuries to any person or property that occur during or as a result of the solicitation that are causally related to an act of ordinary negligence of the solicitor or the business or organization the solicitor represents.

(l) Insurance: Before engaging in any charitable solicitation pursuant to this section, the solicitor shall provide to the chief of police a certificate of insurance issued by an

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insurance company licensed to do business in Illinois indicating that the insurance company will insure the solicitor and the business or organization represented by the solicitor against any injury to any person or property during the solicitation that is causally related to an act of ordinary negligence of the solicitor or of the business or organization represented by the solicitor. Such certificate of insurance shall name the village as an additional insured, shall state that the insurance policy shall not be amended or canceled during the period of the permitted solicitation, and shall reflect that at least the following coverage has been provided: 56-8

(1) Personal injury coverage of at least in an amount not less than one million dollars (\$1,000,000.00) per occurrence and five hundred thousand dollars (\$500,000.00) per person.

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(2) Property damage coverage of at least one hundred thousand dollars (\$100,000.00).

3-13-7: VIOLATIONS DECLARED TO BE NUISANCES:

Every violation of any term, provision, condition, restriction, or duty stated in this chapter or in any solicitation permit issued pursuant thereto is hereby declared to be a public nuisance.

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3-13-8 EFFECTIVE PERIOD:

Except as otherwise provided in this chapter, a solicitation permit issued pursuant to this chapter shall be valid for sixty (60) consecutive calendar days. An expiration date shall be printed on the face of each solicitation permit.

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3-13-9: REVOCATION:

The chief of police shall immediately revoke any solicitation permit issued pursuant to this chapter if the chief of police determines that the solicitor is in violation of any of the provisions or requirements of this chapter or of the solicitation permit issued pursuant hereto, or if the solicitor made a false material statement in the application or otherwise becomes disqualified for the issuance of a solicitation permit under the terms of this chapter. Immediately after such revocation, the chief of police shall take custody of the solicitation permit. The chief of police shall give written notice of the revocation to the solicitor as soon as practicable thereafter, in the form of a citation that states the reason for the permit revocation, or such other form approved by the chief of police that clearly states the reason for such revocation. The chief of police shall serve the citation or other form of notice on the solicitor in person or by certified U.S. mail, return receipt requested, addressed to the residence address set forth in the solicitor's application. The permit shall become null and void immediately on service of the notice of revocation as provided in this section.

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3-13-10 APPEAL OF DENIAL OR REVOCATION:

Any person aggrieved by the chief of police's denial or revocation of a solicitation permit shall have a right to appeal such decision to the village administrator as provided in this section. Within five (5) business days after service of the chief of police's notice of denial

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or revocation, the applicant or permit holder may make a written request for a hearing regarding the denial or revocation. The village administrator, after receipt of the written request for a hearing, shall set a time and date certain for such hearing within five business (5) days after such receipt. The village administrator shall give written notice of such hearing to the applicant or permit holder at least three (3) business days in advance of the hearing date. At the hearing, the applicant or permit holder may present and submit evidence and witnesses to rebut the reasons cited by the chief of police for revoking or denying the permit. Within two (2) business days after the close of the hearing, the village administrator shall render a decision in writing. The village administrator may reinstate a revoked permit, grant the requested permit or a renewal thereof, or affirm the chief of police's decision. The action taken by the village administrator shall be final.

3-13-11 CHANGE IN INFORMATION:

During the pendency of an application for, or during the term of, any solicitation permit, the applicant or permit holder shall promptly notify the chief of police in writing of any change in any material information given by the applicant or permit holder in the application for such permit.

3-13-12 ADMINISTRATIVE RECORD:

The chief of police shall cause to be kept in the chief of police's office an accurate record of every solicitation permit application received and acted on, together with all other information and material pertaining thereto, and copies of all solicitation permits issued and revoked pursuant to this chapter. Permit applications shall be numbered in consecutive order as filed, and every permit issued pursuant to this chapter and any renewal thereof shall be identified with the number of the application upon which it was issued.

3-13-123 PENALTY:

(a) ~~Penalty For Noncompliance:~~ Any person who violates, neglects or refuses to comply, or assists in the violation of, any of the provisions of this chapter, or of any order, solicitation permit, or notice issued pursuant hereto, shall be fined not more than seven hundred and fifty dollars (\$750.00) for each such violation. Each day such violation continues shall constitute a separate offense. The chief of police shall give written notice to any such person of any such violation ~~and the fine imposed~~ by serving a citation in person or by certified U.S. mail, return receipt requested.

(b) ~~Payment Without Prosecution:~~ Within ten (10) days after the date of the citation, any person served with a citation issued by the chief of police pursuant to subsection (a) of this section may avoid prosecution for the violation(s) identified in the citation by surrendering the citation to the chief of police and by paying at the same time to ~~the chief of police~~ the Village of Willowbrook a fine in the ~~a~~ sum of fifty dollars (\$50.00). ~~The chief of police shall issue a receipt to any person~~

(C) ~~Penalty:~~ It is hereby declared to be unlawful and shall constitute a nuisance for any person to engage in aggressive solicitation. Any person who commits an act prohibited by this

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section shall be subject to a fine as provided in the general penalty provisions of section ~~1-4-1~~ of this Code. Additionally, any certificate of registration to engage in charitable or commercial solicitation in this Village held by any person who commits a violation of this section shall, upon notice given, be revoked by the President and Board of Trustees as provided in section ~~3-13-15~~ of this chapter. (Ord. 13-O-09, 4-8-2013)

~~3-13-12: HOURS, DAYS OF SOLICITATION:~~

No person shall engage in "solicitation" as herein defined prior to nine o'clock (9:00) A.M., or after nine o'clock (9:00) P.M. or dusk, whichever is earlier on any day; and, provided further, that no person shall engage in commercial solicitation at any time on a Sunday or any State or national holiday. All solicitation shall be prohibited from November 1 through March 31. (Ord. 13-O-09, 4-8-2013)

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~~3-13-13: FELONS AS SOLICITORS:~~

It shall be unlawful for any person or organization to utilize as a solicitor any person who has been convicted of a felony under the laws of the State of Illinois or any other state, or under the Federal law of the United States, within five (5) years of the date of the application. Every registrant pursuant to this chapter shall, as part of said registration application, stipulate that no individual employees, independent contractors, employees of independent contractors, volunteers or any other such person associated with the registrant is a convicted "sex offender" as defined by 730 Illinois Compiled Statutes 150/2 and as may similarly be applicable to any other law enforcement jurisdictions throughout the United States. Every registrant shall include the names, addresses and dates of birth for every person who will be working with them in the Village for the registered purpose and shall provide an affidavit certifying that such persons, including the registrant, have not been convicted of any felony, nor convicted on two (2) or more occasions of driving under the influence of alcohol or drugs. Such certificate of registration as is required in section ~~3-13-3~~ of this chapter shall be updated whenever any change in such persons occurs for the registrant at any time during the registered year. (Ord. 13-O-09, 4-8-2013)

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~~3-13-14: FRAUDULENT MISREPRESENTATION AND MISSTATEMENT PROHIBITED:~~

No person shall misrepresent his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement, deception or fraud, in connection with any charitable or commercial solicitation, or in any application or report filed under this chapter. (Ord. 13-O-09, 4-8-2013)

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~~3-13-15: REVOCATION OF CERTIFICATE: REVIEW:~~

—(A)— The President and Board of Trustees shall revoke a certificate of registration for a violation of any of the regulations listed in sections ~~3-13-6~~ through ~~3-13-14~~ of this chapter. Immediately upon such revocation, written notice thereof shall be given by the Village Clerk to the holder of the certificate by certified or registered mail, return receipt requested. Upon receipt of said notice of revocation, all solicitation activity shall cease.

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—(B)— In the event the President and Board of Trustees revoke any certificate of registration for charitable solicitation, the Village shall seek a judicial determination of such action in the same manner as provided for in section ~~3-13-4~~ of this chapter. If a judicial determination is not made within thirty (30) days after the date of revocation, an interim certificate of registration shall be deemed issued which shall be valid until such judicial determination is made.

—(C)— In the event the President and Board of Trustees revoke any certificate of registration for commercial solicitation, the person aggrieved by said decision shall have the right to appeal and have a hearing before the President and Board of Trustees. Such appeal shall be taken by filing with the Village Clerk within ten (10) days after receipt of the notice of revocation, a written

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statement under oath setting forth specifically the grounds for appeal. The President and Board of Trustees shall thereupon set forth the time and a place for the hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in subsection 3-1-14(D) of this title. The decision of the President and Board of Trustees on such appeal shall be by a vote of a majority of all the members then holding office and shall be final. (Ord. 13-O-09, 4-8-2013)

3-13-14: NO LIMITATION OF FREE SPEECH RIGHTS:

Nothing in this chapter shall be construed or enforced so as to restrict the rights guaranteed by the First Amendment of the Constitution of the United States of America, article I of the Constitution of the State of Illinois, or any Federal or State law protecting the right to freedom of speech or freedom of religion. Nothing in this chapter shall prohibit religious organizations or individuals from religious proselytizing or political organizations or individuals from collecting-soliciting contributions for elected public offices or referendum questions to be submitted to the voters, as authorized by Article 9 of the Illinois Election Code (10 ILCS 5/9-1.1, et seq.), or otherwise engaging in political activities related to specific individuals, issues, political parties or political action groups.

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LAW AND ORDINANCES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET

**DISCUSS – Appeal to Section 5-1-6 “Prohibited Animals”
for 6023 Bentley Avenue**

COMMITTEE REVIEW

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

Meeting Date: March 8, 2021

- | | |
|--|---|
| <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:

During the Fall of 2020, several area municipalities have experienced residents illegally raising roosters, chickens, and other animals within their jurisdiction in violation of their ordinance. The Village of Willowbrook reviewed our code at the time and found that although we did not allow fowl, we do not properly define the term fowl. Our current ordinance 5-2-6: Prohibited Animals stated: “It shall be unlawful to keep or maintain cattle, swine, sheep, goats, mule, ox, cow, calf, hog, or any other livestock or any fowl of any kind in the Village”. At the September 14, 2020 Village Board meeting the Village Board approved Ordinance #20-O-42 that clarified and expand the definition of fowl as indicated below:

- “It shall be unlawful to keep or maintain cattle, swine, sheep, goats, mule, bull, ox, cow, calf, hog or other livestock or any poultry or fowl of any kind in the Village...” and Section 5-2-1 entitled “Definitions” of Chapter 2 entitled “Animals and Fowl” of Title 5 entitled “Police Regulations”, as amended, is hereby further amended by adding the following to Section 5-2-1 in proper alphabetical order: “Poultry: chickens, roosters, ducks, geese, turkeys and pigeons.”

Since this code update the Village Code Enforcement Officer has been following up on a complaint that was reported on 6023 Bentley Avenue. The resident in question has written a letter to the Village, dated January 28, 2021, requesting an appeal to our Village code requirement that prohibits fowl / chickens on residential properties, see attached.

STAFF RECOMMENDATION:

The Village has received a survey on this subject that was completed by a neighboring community with the subject of allowing chickens on residential properties. Thirty (30) communities were surveyed, 7 of the communities allow chickens within certain areas and criteria met by the property owner.

Staff is seeking feedback from the Committee on the possible options regarding this request from 6023 Bentley Avenue.

- 1) Recommend criteria for time-restricted appeal to the Village Board for this property.
- 2) Direct staff to present options to allow chickens on residential lots meeting certain criteria, i.e.: by zoning district, lot size, distance to neighboring residential homes, chicken coop standards, and neighbor sign off.
- 3) Denial of appeal request and keep Village code as is currently written.

Upon consensus, staff will proceed as directed by the Committee.

JACK & LAURA NAVARRA

6023 Bentley Ave., Willowbrook, IL. 60527|

6304640808

January 28, 2021

Recipient

Village of Willowbrook

835 Midway Drive

Willowbrook, IL. 60527

Dear Brian,

Please allow this letter to serve as a written request for a variance regarding the allowance of four hens on our property for the purpose of having fresh eggs. The keeping of four hens will not adversely affect the public health, safety or welfare or the rights of adjacent property owners, residents or the neighborhood because our hen coop is located 400 feet to the rear in our property and is at least 350 feet away from any neighbors. The coop is all contained and secured so that no other animals can prey on them. We have had our hens since we built our home back in 2002. Our home was inspected at the time and we were not told that this was in violation of any local rule or ordinance. This request arises from the special condition or attribute which pertain to the property for which a variance is sought and which were not created by us namely that we own a $\frac{3}{4}$ acre backyard that is surrounded by trees making the hens not visible to others. Our neighbors do not mind us having the hens and have enjoyed our fresh eggs.

The pastime of raising chickens has become quite popular and adjacent towns such as Westmont, Darien, Downers Grove & Western Springs allow chickens. We would greatly appreciate your approval for our request to allow these hens on our property.

Sincerely,

Jack & Laura Navarra

Village/City	Are Chickens Allowed	Min. lot req.	Number of Chickens allowed	Coop Run Requirements	Slaughtering allowed	Egg sale allowed	Restrictions	Enclosure	Permit/Fee	Notes
Aurora	No	—	—	—	—	—	—	—	—	—
Bartlett	No	—	—	—	—	—	—	—	—	They have researched it, they get 4 requests a year. Chickens are allowed on lots that are two (2) acres or more.
Bitavia	Yes	—	8	—	No	—	30' from any adjacent occupied residential structure. Rear yard. Not less than property set back.	covered inside & fenced outside. No less than 32 square ft.	No	Must register with Code Compliance officer prior to acquiring hens.
Bensenville	No - but currently working on it	—	—	—	—	—	—	—	—	The subject is currently going in front of a committee, partial decision will be made Tuesday.
Bolingbrook	No	—	—	—	—	—	—	—	—	—
Burr Ridge	Yes	1 acre	4	—	No	—	Enclosure shall be in the rear buildable area of property with a min. setback of 10'	Shall not exceed 150 sq ft. The enclosure shall include an open area enclosed with hardware cloth that is buried at the perimeter at least 6 inches in the ground	no	Hens to be kept in coop at all times.
Carol Stream	No	—	—	—	—	—	—	—	—	—
Clarendon Hills	No	—	—	—	—	—	—	—	—	Have had requests, but voted to not allow chickens.
Darien	Yes	—	—	—	—	—	—	—	—	There is no ordinance prohibiting them. As long as the property is neat and maintained the resident is allowed to have chickens.
Des Plaines	No, with exceptions	15 acres	—	—	—	—	—	—	—	If for educational purposes up to 6 chickens on any property located within the city limits is greater than 15 acres and is listed on the national register of historic places.
Downers Grove	Yes	—	4	—	NO	—	7' setback, 50' from buildings	—	yes, permit is good for 5 years They have a specific	Plat is required. Info on coop, signatures from all neighbors. 100% approval from all neighbors. If the residence is a rental house, then signature & approval from homeowner as well as tenant is required. Once the permit has expired, the process has to be gone thru again, i.e. you must obtain signatures from all neighbors again.
Einhurst	No	—	—	—	—	—	—	—	—	Had requests, decided not to allow, due to small lots, and possible issues with other wildlife i.e. coyotes, hawks etc.
Glen Ellyn	No	—	—	—	—	—	—	—	—	—
Glendale Heights	No	—	—	—	—	—	—	—	—	No requests, but have had to ask people to get rid of the chickens they have. Residents have kept them in the garage.
Itasca	No	—	—	—	—	—	—	—	—	No requests.
Libertyville	No, with exceptions	5 acres	—	—	—	—	—	—	no	Chickens are not allowed on property that is smaller than 5 acres. There are only 3 properties in the Village that are 5 acres or greater. No permit is required for those properties.
Lisle	No	—	—	—	—	—	—	—	—	—
Lombard	No	—	—	—	—	—	—	—	—	—
Naperville	Yes	no	8	—	—	—	no less than 30' from neighboring resident.	—	No fee specific to chickens only have to have a permit to build the coop.	Food shall be kept in a rodent proof container. If pen/coop is located outdoors, it must be screened to a height of six (6) feet. If located indoors, it must be screened to a height of six (6) feet. The enclosure shall be located either along the perimeter of the lot where pen/coop is located, or the perimeter of pen/coop itself.

Villages/City	Are Chickens Allowed	Min. lot req.	Number of Chickens allowed	Coop Run Requirements	Slaughtering allowed	Egg sale allowed	Restrictions	Enclosure	Permit/Fee	Notes
Northbrook	No	—	—	—	—	—	—	—	—	Previously discussed and decided not to allow.
Oak Brook	No, with exceptions	—	—	—	—	—	—	—	—	There are some residences that have chickens; if there is no homeowners association it is ok.
Oswego	No	—	—	—	—	—	—	—	—	Have had a couple of requests; Village Board said no.
Romeoville	No	—	—	—	—	—	—	—	—	—
Schaumburg	No	—	—	—	—	—	—	—	—	Chickens allowed only with a special use permit. They have a Nature Center with a working farm, this is the only location within the Village that allows Chickens.
St. Charles	Yes	—	6	—	—	No	rear yard	no closer than 5' to any property line	none	Amended their code mid last year. Have allowed chickens for 20+ years, the only complaint they had is what spurred the ordinance to be written. Since having the ordinance, no complaints have been received.
Streamwood	No	—	—	—	—	—	—	—	—	—
Villa Park	No	—	—	—	—	—	—	—	—	—
Warrenville	Yes	10,000 sq. ft.	10	—	—	—	—	—	no	Food shall be kept in a rodent proof container. Coop & run shall be provided. Hens confined to coop or run at all times.
Willowbrook	No	—	—	—	—	—	—	—	—	no requests
Woodridge	No	—	—	—	—	—	—	—	—	Very few requests. Did research last year, had a couple requests when Downers Grove passed their ordinance last year.

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

DISCUSS – Title 9 – Chapter 6B B-2 Commercial Shopping District, Chapter 6C B-3 General Business District and Chapter 6D B-4 Highway and Service Business District – Permitted Use Review

COMMITTEE REVIEW

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

Meeting Date: March 8, 2021

- | | |
|--|---|
| <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:

Chairperson Neal was recently reviewing the Village Zoning Code. She would like the Committee to provide feedback to staff regarding potential areas for updates and enhancements as it pertains to a review of the permitted, special and prohibited uses within the Chapter 6B B-2 Commercial Shopping District, Chapter 6C B-3 General Business District and Chapter 6D B-4 Highway and Service Business District. Chairperson Neal would like to take this opportunity to review the code and recommend enhancements to the zoning code to bring the language closer to current industry standards and best practices.

Chairperson Neal proposes a detailed review of the code with a specific emphasis on the code language pertaining to small, mid and large box variety stores. Possible language concepts could define a variety store as a retail store typically 30,000 square feet or less, that sells at retail, an assortment of physical goods, products, or merchandise directly to the consumer, including food and beverages for off-premises consumption, household products, personal grooming and health products, and other consumer goods. Stores that are larger than 15,000 square feet are not 'necessarily excluded' from that definition if they still have other characteristics of the regulation.

An additional request is for the consideration of a one-mile separation between small box variety store to limit over-concentration/saturation of box discount variety stores and to allow the Village Board to continue with their existing plan development of our critical shopping areas where an abundance of small chain box stores and or discount stores conflict with that vision. Furthermore, I would ask that the Committee put forth an immediate moratorium on this type of development citing potential saturation of discount stores within the village until the Committee can address the subject in detail.

STAFF RECOMMENDATION:

The following is a summary of typical uses and how Village staff would interpret the current Village zoning regulations:

Sample Uses: Five Below, TJ Maxx, Ross Stores, Big Lots.

Permitted use in the B-2 zoning district as "Variety Store" or "Similar and compatible uses which are of the same general character as the above permitted uses."

Sample Uses: Play it Again Sports.

Staff would consider this as a second-hand sporting goods store. While "sporting goods stores" are a permitted use in the B-2 zoning district, used goods are prohibited. Per Section 9-6-1(B) General Conditions, Business Establishments, "Goods sold shall consist primarily of new merchandise, except for antique shops."

Sample Uses: Home Goods, Kirkland's.

Staff considers this to be a combined variety store/furniture store/interior decorating shops, including upholstery and making draperies, slipcovers and other similar articles when conducted as part of the retail operation and secondary to the principal use. Staff could likely classify this as a "similar or compatible use" in the B-2, B-3 and B-4 zoning districts. Technically, it could fall under the B-1 Neighborhood Shopping zoning district, but as the name of the zoning district suggest, the footprints for these types of stores are +/25,00 Sf and would be grossly out of scale for the properties zoned B-1 which are primarily located on the nine lots located just northwest of IL Route 83/Plainfield Road and are intended to serve the local neighborhood (not regional destination).

Sample Uses: Goodwill, Once Upon a Child, Consignment Shop

This is not a permitted or special use. Per Section 9-6-1(B) General Conditions, Business Establishments, "Goods sold shall consist primarily of new merchandise, except for antique shops." The business we have in the Hinsdale Lake Commons was permitted as part of an amendment to their PUD and Ordinance No. 10-O-08 granted a waiver from this section to "permit the operation of Goodwill -- a retail store selling primarily used goods on the subject realty".

Sample Use: Antique Store - Permitted use in the B-2 zoning district.

Sample Uses: Walmart, Target

Composed of the following combination of uses:

- "Hardware stores" and "Similar and compatible uses which are of the same general character as the above permitted uses." Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her authorized designee" as permitted uses in the B-1 zoning district, but probably not appropriate in the B-1 since this is more oriented towards neighborhood shopping, not big box, though our zoning code does not make a distinction or restrict by gross floor areas.
- "Delicatessens", "Drug stores", "Fast food establishments", "Food stores", "Grocery stores", "Meat markets", "Similar and compatible uses which are of the same general character as those allowed as special uses in the B-1 zoning district." Determination of whether a particular use constitutes a similar and compatible shall be made by the Village Administrator or his or her authorized designee as special uses in the B-1 zoning district, but probably not appropriate for reasons stated above.
- "Apparel and clothing stores", "Art and craft supply stores and studios", "Auto supply stores, provided that retail sales only shall be permitted, and further provided that machining of any type and/or outdoor storage are expressly prohibited", "Book, stationery stores and newsstands", "Carpet and rug stores", "China and glassware stores", "Electrical, gas and other household appliance stores, including radio and television sales, but excluding repairs", "Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use", "Hardware stores", "Hobby shops", "Housewares stores", "Jewelry shops, including watch repair", "Leather goods and luggage stores", "Liquor stores (occupancy permit subject to issuance of liquor license)", "Music stores", "Office supply and stationery stores", "Shoe stores and shoe repair", "Sporting goods stores", "Toy stores", "Variety stores", "Video tape/disc sales and rental stores", "Similar and compatible uses which are of the same general character as the above permitted uses. Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her

authorized designee as permitted uses in the B-2 zoning district.

- "Audio and communications equipment, installation, sales and repair, including the installation and servicing of such equipment located in motor vehicles", "Bicycle sales, rental and repairs", "Delicatessens", "Drug stores and restaurant facilities, including package liquor sales (occupancy permit subject to issuance of liquor license)", "Electrical and household appliance sales and repair", "Fast food establishments", "Food stores", "Garden supply stores", "Similar and compatible uses which are of the same general character as those allowed as special uses in the B-2 zoning district." Determination of whether a particular use constitutes a similar and compatible shall be made by the Village Administrator or his or her authorized designee as special uses in the B-2 zoning district.
- "Bicycle stores; sales, rental and repair", "Carpet and rug stores", "China and glassware stores", "Computer sales and service", "Electrical, gas and other household appliance stores, including radio and television sales, accessory repair and service thereof", "Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use", "Garden supply and seed stores", "Leather goods and luggage stores", "Liquor stores, retail sales of packaged goods only (occupancy permit subject to issuance of liquor license)", "Music stores, sheet music, tape and disc sales", "Office supply stores", "Shoe stores", "Toy shops", "Similar and compatible uses which are of the same general character as the above permitted uses." Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her authorized designee as permitted uses in the B-3 zoning district.

Sample Uses: Ace Hardware

- "Hardware stores" as permitted uses in the B-1 zoning district.

Sample Uses: Home Depot/Menards/Lowes

Composed of the following combination of uses:

- "Hardware stores" as permitted uses in the B-1 zoning district. Probably not appropriate in the B-1 since this is more oriented towards neighborhood shopping, not big box, though our zoning code does not make a distinction or restrict by gross floor areas.
- "Carpet and rug stores", "Electrical, gas and other household appliance stores, including radio and television sales, but excluding repairs", "Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use", "Hardware stores", "Locksmiths", "Paint and wallpaper stores", "Similar and compatible uses which are of the same general character as the above permitted uses. Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her authorized designee" as permitted uses in the B-2 zoning district.
- "Electrical and household appliance sales and repair", "Garden supply store", "Similar and compatible uses which are of the same general character as the above permitted uses. Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her authorized designee" as special uses in the B-2 zoning district.
- "Carpet and rug stores", "Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use", "Garden supply and seed stores", "Locksmith shops", "Mail order service stores", "Paint and wallpaper stores", "Plumbing, heating, air conditioning and electrical fixtures and equipment; show room shops for domestic use only", "Similar and compatible uses which are of the same general character as the above permitted uses." Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her authorized designee as permitted uses in the B-3 zoning district.
- "Building material sales, not including outside storage", "Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use", "Plumbing, heating, air conditioning and electrical fixtures and equipment; showroom shops for domestic use only", "Similar and compatible uses which are of the same general character as the above permitted uses."

Determination of whether a particular use is a similar and compatible use shall be made "Equipment rentals, not including outside storage by the Village Administrator or his or her authorized designee" as permitted uses in the B-4 zoning district.

- "Equipment rentals, not including outside storage", "Similar and compatible uses which are of the same general character as the above permitted uses. Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her authorized designee" as special uses in the B-4 zoning district.
- "Nurseries and greenhouses", "Additional related uses" as special uses in the LOR zoning district.
- "Greenhouses and nurseries" as a special use in the and M-1 zoning districts (though retail is prohibited in M-1).

Please note that a text amendment was approved back in November 2019 to include a category "Similar and compatible uses which are of the same general character as the above permitted uses" in the business zoning districts as both permitted and special uses (attached is the approving ordinance). The intent was to permit some flexibility in allowing uses not explicitly enumerated under our current zoning code.

Chairperson Neal suggested the following options as a starting point for future consideration (note the criteria would also need to be further defined with detailed definitions, size criteria and zoning district locations):

- **Walmart** - Discount department store chain, hypermarkets, and grocery stores
- **Target** - General merchandise retailer and groceries
- **Costco/Sam's Club** - warehouse clubs or wholesale clubs
- **Home Depot, Menards, Lowes** - Large home improvement retailers
- **Kohl's** - Department store chain
- **Marshalls, TJ Max, Home Goods** - off price department stores
- **Ross** - Discount department store
- **Five Below** - Specialty discount stores
- **Dollar Tree/Dollar General** - Discount variety stores

Included within the packet is the following support items:

- 1) Title 9 Zoning Regulations – Chapter 2 Definitions – Current.
- 2) Title 9 Zoning Regulations Chapter 6A B-1 Neighborhood Shopping District – Current.
- 3) Title 9 Zoning Regulations Chapter 6B B-2 Community Shopping District – Current.
- 4) Title 9 Zoning Regulations – Chapter 6C B3 General Business District – Current.
- 5) Title 9 Zoning Regulations – Chapter 6D B-4 Highway and Service Business District.

Title 9 Zoning Regulations – Chapter 2 Definitions

SECTION:

9-2-1: Rules Of Construction

9-2-2: Definitions

9-2-1: RULES OF CONSTRUCTION:

The language set forth in the text of this title shall be interpreted in accordance with the following rules of construction:

- (A) The singular number includes the plural, and the plural the singular.
- (B) The present tense includes the past and future tenses, and the future the present.
- (C) The word "shall" is mandatory, while the word "may" is permissive.
- (D) The masculine gender includes the feminine and neuter.
- (E) Whenever a word or term defined hereinafter appears in the text of this title, its meaning shall be construed as set forth in the definition thereof, and any word appearing in parentheses, directly after a word herein defined, shall be construed in the same sense as that word.
- (F) All measured distances, expressed in feet, shall be to the nearest integral foot. If a fraction is one-half foot ($\frac{1}{2}$) or more, the integral foot next above shall be taken. (Ord. 60-O-9, 5-17-1960)

9-2-2: DEFINITIONS:

As used in this title, unless the context otherwise requires, the following words and terms shall be construed as herein defined:

ABOVEGROUND SERVICE FACILITY: An aboveground structure, used by a utility or service provider to provide service to the public. An aboveground service facility as defined herein shall not include antennas and towers for personal wireless services. An aboveground service facility shall be deemed to be a principal structure, and for the purposes of this title, an aboveground service facility is one located on private property.

ADULT BOOKSTORE AND/OR VIDEO STORE: An establishment having as a significant or substantial portion of its stock in trade books, magazines, periodicals or other printed matter, and/or photographs, films, motion pictures, videocassettes, slides, tapes, records or other form of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT BUSINESS USE: Any commercial use of property of which a significant or substantial portion involves an activity distinguished or characterized by its emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, including, but not limited to, the operation of an adult bookstore and/or video store, adult mini-motion picture theater, adult motion picture theater, adult motion picture arcade, adult motel, adult card, gift or novelty store, or adult entertainment cabaret.

ADULT CARD, GIFT, OR NOVELTY STORE: An establishment having as a significant or substantial portion of its stock in trade items such as cards, games, articles of clothing and novelties which are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT CABARET: A public or private establishment which, live or on motion pictures, features:

- (A) Topless and/or bottomless dancers, strippers, and/or male or female impersonators; or
- (B) Entertainers who not infrequently display specified anatomical areas; or

(C) Entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or entertainers who engage in, or engage in explicit simulation of, specified sexual activities.

ADULT MINI-MOTION PICTURE THEATER: An enclosed building, or any portion or portions thereof, having a capacity from six (6) to fifty (50) persons, where, for any form of consideration (including a coin or token inserted into a coin or token operated projector, video screen, or other image producing device), patrons may view films, motion pictures, video cassettes, slides or similar photographic or electronic reproductions in which a significant or substantial portion of the total presentation time is devoted to the showing of materials that are distinguished by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT MOTEL: A hotel, motel or similar commercial establishment which:

(A) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other electronic or photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of such transmissions, films, motion pictures, video cassettes, slides, or other photographic or electronic reproductions; or

(B) Offers a sleeping room for rent for a period of time that is less than eight (8) hours; or

(C) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than eight (8) hours.

Rent and subrent, when used in reference to an adult motel, shall mean the act of permitting a sleeping room to be occupied for any form of consideration.

ADULT MOTION PICTURE ARCADE: An establishment in which electronic, electrical, or mechanical still or slide projectors, video screens, closed-circuit television transmissions or other image-producing devices operable by insertion of a coin or token or for other consideration are maintained for presentation of images to five (5) or fewer persons at a single time per such device and where the images presented are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of fifty (50) or more persons where, for any form of consideration, patrons may view closed-circuit television transmissions, films, motion pictures, video cassettes, slides or similar electronic or photographic reproductions in which a significant or substantial portion of the total presentation time is devoted to the showing of materials that are distinguished by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT-USE CANNABIS: Non-medical cannabis as defined in the Adult-Use Cannabis Act.

ADULT-USE CANNABIS ACT: The Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) and as may, from time-to-time, be amended.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an adult-use cannabis business organization that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed adult-use cannabis organizations for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Adult-Use Cannabis Act.

AGRICULTURE: The growing of crops in the open, including necessary buildings and structures accessory thereto. The raising or keeping of livestock (including poultry) is specifically prohibited.

ALLEY: A dedicated minor public right-of-way affording a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION: A change in size, shape, character or use of a building or structure, or a change or rearrangement in the structural, mechanical, electrical, plumbing or egress systems of a building or structure.

ASSISTED LIVING FACILITY: A for profit facility which provides sleeping accommodations in the form of assisted living units, to persons fifty five (55) years of age and older. Assistance with daily life activities and supportive and intermittent health related services shall be provided by a full time on site staff. An assisted living facility is not subject to licensure by the State of Illinois. An assisted living facility has both institutional and residential characteristics. An assisted living facility is not a multiple-family dwelling.

ASSISTED LIVING UNIT: A group of rooms which are arranged, designed and/or used as living quarters for no more than two (2) individuals within an assisted living facility. An assisted living unit shall contain bathroom facilities, but shall not contain cooking facilities. An assisted living unit is not a dwelling unit.

AUTOMOBILE SERVICE STATION (GAS STATION): Any building or portion thereof or premises used for dispensing or offering for sale at retail any automobile fuels or oils; having pumps and storage tanks; also, where battery, tire and other similar services are rendered, but only if rendered wholly within lot lines. An automobile service station may also include convenience food and product sales and automobile washing and cleaning facilities as special uses if accessory to the principal use. Excluded are open sales lots, parking, storing and sale of automobiles or any other commodity not incidental to an automobile service station.

AVERAGE SURROUNDING GRADE: The average finished grade of the site. For the purposes of determining building height, the average elevation of the ground immediately adjacent to the exterior walls of the building.

BASE FLOOD: The flood having a one percent (1%) probability of being equaled or exceeded in a given year.

BASE FLOOD ELEVATION: The height of the base flood in relation to the National Geodetic Vertical Datum of 1929.

BASEMENT: A portion of a building located partly underground, but having not less than one-half ($\frac{1}{2}$) its clear floor to ceiling height below the average grade of the adjoining ground.

BEST MANAGEMENT PRACTICES: Design, construction and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volume, prevent erosion, and capture pollutants.

BLOCK: That property abutting one side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

BUILDABLE AREA: The area of a lot or parcel which is not located within any required yard.

BUILDING: Anything constructed for shelter or enclosure of persons, animals or chattels of any kind and which is permanently affixed to the land.

BUILDING, ACCESSORY: A subordinate building or portion of a principal building, the use of which is incidental to that of the principal building and customary in connection with that use.

BUILDING, COMPLETELY ENCLOSED: A building separated on all sides from the adjacent open space or from other buildings or other structures, by a permanent roof and behind exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

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, roof tanks, bulkheads, chimneys and similar roof structures shall not be included in calculating building height. Parapet walls shall not exceed three feet (3') from the roof surface. Roof tanks, bulkheads, chimneys and similar roof structures shall not exceed the greater of ten feet (10') or twenty-five percent (25%) of the maximum height of a structure in the relevant zoning district.

BUILDING PERMIT: A permit issued by the Village for construction, erection or alteration of a structure or building.

BUILDING, PRINCIPAL: A nonaccessory building in which the principal use of the lot on which it is located is conducted.

BUILDING, RESIDENTIAL: A building which is arranged, designed, used or intended to be used for residential occupancy.

BUILDING, TEMPORARY: Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

BUSINESS: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered.

BUSINESS SITE FRONTAGE: When utilized to calculate allowable sign surface area in the following situations:

(A) Freestanding businesses: The lot width, measured in feet, or in the case of a corner lot, the length of the exterior side lot line, measured in feet, but not both.

(B) Shopping centers, outparcels and single- story multi-tenant commercial buildings: The building width or in the case of a multi-tenant building, the unit width, measured in feet, of a building's front or primary facades or portion thereof, in or from which a particular business is conducted, and which is adjacent to a public or private street, customer parking area or site access, not including service drives or areas meant for deliveries or loading/unloading facilities. If a business's primary facade vertically extends behind another building and at least seven feet (7') of the primary facade is visible from a public or private street, customer parking area or site access, not including service drives or areas meant for deliveries or loading/unloading facilities, then that length of facade may also be counted towards business site frontage.

CLOMA: A conditional letter of map amendment. A FEMA comment letter on a development proposed to be located in, and affecting only that portion of, the area of floodplain outside the regulatory floodway and having no impact on the existing regulatory floodway or base flood elevations.

CLOMR: A conditional letter of map revision. A letter that indicates that FEMA will revise base flood elevations, flood insurance rate zones, flood boundaries, or floodways as shown on an effective FIRM or FBFM, after the record drawings are submitted and approved.

CELLAR: The portion of a building located partly or wholly underground and having half or more than half of its clear floor to ceiling height below the average grade of the adjoining ground. In dwellings, it shall not be used as sleeping quarters or for the preparation of food, except in single-family detached residences which meet the emergency egress, ceiling height, light and ventilation requirements of the Building Code.

CERTIFY OR CERTIFICATION: The specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this title.

CHIEF OF POLICE: The Chief of Police of the Village of Willowbrook, DuPage County, Illinois.

CLERK: The Village Clerk of the Village of Willowbrook, DuPage County, Illinois.

CLINIC, MEDICAL OR DENTAL: A building or portion thereof, the principal use of which is for offices of physicians or dentists, or both, for the examination and treatment of persons on an outpatient basis.

CLOSED CUP FLASHPOINT: The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will propagate a flame. The tag closed cup tester shall be authoritative for liquids having a flashpoint below one hundred seventy five degrees Fahrenheit (175°F). The Pensky Martens tester shall be authoritative for liquids having flashpoints between one hundred seventy five degrees Fahrenheit (175°F) and three hundred degrees Fahrenheit (300°F).

CODE OR VILLAGE CODE: The Village Code of the Village of Willowbrook, including all codes, standards, specifications, rules or regulations incorporated therein by reference, together with all appropriate enactment language.

COMMERCIAL HORSE FARM: A facility designed for the breeding, boarding, raising, training, showing and sale of horses.

COMPENSATORY STORAGE: An excavated hydrologically and hydraulically equivalent volume of storage created to offset the loss of existing flood storage.

COMPREHENSIVE PLAN: The Comprehensive Plan of the Village of Willowbrook, DuPage County, Illinois.

COURT: An open unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two (2) or more sides by such building or buildings.

CRITICAL WETLANDS: Wetlands of the highest value by virtue of one or more high ranking characteristics that result in a uniquely valuable environment.

CURB LEVEL: The level of the established curb in front of a building or structure measured at the center of such front. When no curb level has been established, it shall be deemed to be the established level of the centerline of the street surface in front of a building or structure, measured at the centerline of such front.

DAYCARE CENTER: An institution or place in which are received three (3) or more children, not of common parentage, apart from their parent or guardian, for part or all of a day, but not later than nine o'clock (9:00) P.M. The term "daycare center" includes, but is not limited to, nursery schools, childcare centers, day nurseries, kindergartens and play groups, but does not include bona fide kindergartens or nursery schools operated by public or private elementary or secondary school systems.

DAYCARE HOME: A family home which receives not more than five (5) children for care for less than twenty four (24) hours per day where tuition, fees or other forms of compensation for the care of children is charged. The maximum of five (5) children includes the family's natural or adopted children under the age of sixteen (16) and those children who are in the home under full time care. The term does not include facilities which receive only children from a single household.

DECIBEL: A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are typically calibrated in decibels.

DENSITY, GROSS: The numerical value obtained by dividing the total number of dwelling units in a development by the total area of the tract of land upon which the dwelling units are located. Dedicated streets, open spaces and common areas located within the development shall be utilized in the calculation of gross density.

DEPRESSIONAL STORAGE: The existing volume of storage available under the base flood elevation that may be contained in low lying areas that have no drainage outlet.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including, but not limited to, construction of or substantial improvements to buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations.

DIRECTOR OF MUNICIPAL SERVICES: The Director of Municipal Services of the Village of Willowbrook, DuPage County, Illinois.

DISPLACEMENT (EARTH): The amplitude or intensity of an earthborne vibration measured in inches. The displacement or amplitude is one-half ($1/2$) the total earth movement.

DOG KENNELS: Any premises where three (3) or more dogs, over four (4) months of age, are owned, boarded, bred and/or offered for sale.

DRIVE-IN, DRIVE-THROUGH: Any place or business operated for the sale and purchase at retail of food and other goods, or the rendering of services for which the facility is designed and equipped so as to allow its patrons to be served or accommodated while remaining in their motor vehicle.

DWELLING: A building or portion thereof designed or used for residential purposes, including single and multiple family uses, but not including house trailers, mobile homes or lodging rooms in hotels, motels or lodging houses.

DWELLING, MULTIPLE FAMILY: A residential building designed and built as a group of individual dwelling units, each for a single-family, but which units may touch each other by virtue of common or party walls and/or floors or ceilings, and which contain two (2) or more dwelling units.

DWELLING, SINGLE-FAMILY ATTACHED: A residential building designed and built as a dwelling unit for one family, but which may touch another single-family dwelling on one or more sides, with or without party walls, but which is located as the only dwelling unit on a single specific lot or parcel of ground.

DWELLING UNIT: A group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one family, and which includes cooking facilities.

EASEMENT: A specific area of land over which a liberty, privilege or advantage is granted by the owner to the public, a corporation or some particular person or part of the public for specific uses and purposes and which shall be designated a "public" or "private" easement, perpetual or for a given term and exclusive or nonexclusive depending on the nature of the particular grant.

ELEVATION CERTIFICATES: A form published by FEMA, or its equivalent, that is used to certify the base flood elevation and the lowest elevation of useable space to which a building has been constructed.

ENVIRONMENTAL PROTECTION AGENCY: The Environmental Protection Agency of the State of Illinois, United States of America or the Health Department of the County of DuPage, whichever agency(ies) shall have jurisdiction in a given case.

EXCAVATION: Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

EXISTING GRADE: The vertical location of the existing ground surface prior to excavation or filling.

FBFM: A flood boundary and floodway map. A floodplain management map issued by FEMA that depicts, based on detailed analysis, the boundaries of the base flood, the two-tenths percent (0.2%) probability flood, and the floodway.

FEMA: The Federal Emergency Management Agency.

FHBM: A flood hazard boundary map. An official map of a community issued by FEMA, on which the boundaries of the flood, mudslide or mudflow, or related erosion areas having special hazards have been designated as Zones A, M, and/or E.

FIRM: A flood insurance rate map. A map issued by FEMA that is an official community map, on which map FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community. This map may or may not depict floodways.

FAMILY: One or more persons as related to the other by blood, marriage, guardianship or adoption, or a group of not more than three (3) persons not so related, together with his or her domestic servants, maintaining a common household in a dwelling unit, or a group of not more than six (6) handicapped individuals, as defined in title VIII of the United States Civil Rights Act of 1968, as amended, together with their domestic servants and attendants, maintaining a common nonprofit household in a dwelling unit.

FARM: An area which is used for the growing of the usual farm products such as vegetables, fruits, or trees, and their storage on the lot. The raising or keeping of livestock, including poultry, is specifically prohibited.

FAST FOOD ESTABLISHMENT: A retail establishment serving food to individuals, and/or groups and having a food preparation area of more than one-third ($\frac{1}{3}$) the area of the serving and seating area and/or utilizing disposable serving dishes or containers that permit the patrons to remove the food from the establishment for consumption either on the premises or elsewhere. Such practice tends to encourage high vehicular traffic volumes and/or generate large amounts of refuse.

FENCE: An artificially constructed barrier made of manufactured material, including wire, mesh, chainlink, wood and/or wrought iron, but not including any type of masonry materials (except for posts), resting on or partially buried in the ground and rising above ground level, erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes or to screen from viewers in or on adjoining properties and streets the property or lot upon which the fence is erected.

FENCE, OPEN: A fence, including gates, which has the open area distributed uniformly over the entire height and length of the fence. Open fences shall be constructed in such a manner that no vertical member shall exceed a width of six inches (6").

FENCE, SOLID: Any fence which is not an open fence.

FILL: Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by men to a new location and shall include the conditions resulting therefrom.

FIREARM: Any device that will or is designed to or may readily be converted to expel a projectile by the action of an explosive, including the frame or receiver of any such weapon, any firearm muffler or firearm silencer, or any destructive device.

FIREARM STORE: A retail store that derives its principal income from buying and selling firearms, with or without the sale of ammunitions and/or firearm accessories.

FIRING RANGE, INDOOR: An indoor facility where firearms are discharged at targets for training or practice purposes, and which is designed so that projectiles fired from firearms at targets are prevented (by means of backstops or other barriers) from going beyond the walls of the facility.

FLOOD (FLOOD OR FLOODING): A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD CREST ELEVATION: Shall be the base flood elevation or the elevation of the flood of record, whichever is higher.

FLOOD OF RECORD: An actual historical flood event for which sufficient records are available to establish its extent.

FLOOD PROFILE: Graphical representations of the elevations of the water surface of the 100-year flood along the watercourse of the Village.

FLOOD PROTECTION ELEVATION: The elevation to which uses regulated in this title are required to be elevated or floodproofed.

FLOOD RETURN PERIOD: Same as "flood frequency".

FLOODPLAIN: The area typically adjacent to and including a body of water where ground surface elevations are at or below a specified flood elevation.

FLOODPROOF: Additions, changes, or adjustments to structures or property that prevent the entry of floodwater in order to protect property from flood damage.

FLOODPROOFING CERTIFICATE: A form published by FEMA that is used to certify that a structure is floodproofed to one foot (1') above the base flood elevation.

FLOODWATERS: The waters of any stream, river, creek, watercourse, lake or pond which overflows the boundaries within which said waters are normally contained.

FLOODWAY: The channel and that portion of the floodplain adjacent to a stream or watercourse that is needed to convey the base flood.

FLOOR AREA:

(A) For the purpose of determining floor area ratio, the "floor area" of a building shall be the sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior face of exterior walls or from the centerline of party walls separating two (2) buildings, without deduction for hallways, stairs, closets, thickness of walls or columns. In particular, "floor area" shall include:

1. A basement or cellar having more than four feet (4') in height above adjacent grade around fifty percent (50%) or more of the basement or cellar perimeter.
2. In the case of a basement or cellar not fitting the description of subsection (A)1 of this definition, but having normal direct access to the outside not through another floor (walk-out basements), one-half ($1/2$) of the basement or cellar area shall be included.
3. An attic, the space between the top of the ceiling joists of the top story and the bottom of the roof rafters, which has a fixed stairway as a means of access and a height of seven feet (7') or more above the attic floor.
4. Interior balconies and mezzanines.
5. Enclosed porches and sun rooms.
6. Roofed-over decks, patios, porches, carports and stairs.
7. Elevator shafts and stairwells at each floor.
8. Floor space used for mechanical equipment; except equipment, open or enclosed located on the roof, i.e., bulkheads, water tanks and cooling towers.

(B) For the purpose of determining requirements for off-street parking and off-street loading, the "floor area" of a building or buildings shall mean the sum of the gross horizontal areas of the several floors of a building or buildings, or portion thereof, devoted to such use. However, "floor area" for purposes of measurement for off-street parking spaces shall not include:

1. Floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space.
2. Basement floor area other than area devoted to retailing or service activities, to the production of processing of goods, or to business or professional offices.

FLOOR AREA RATIO: The numerical value obtained by dividing the total floor area within a building or buildings by the area of such lot or parcel of land on which the building or buildings are located. The floor area ratio as designated for each district, when multiplied by the lot or parcel area in square feet, shall determine the maximum permissible floor area for the building or buildings on such lot or parcel.

FOOT-CANDLE: A unit of illumination. Technically, the illumination at all points one foot (1') distant from a uniform point source of one candlepower (1 foot-candle equals 10.76 lux).

FREE BURNING: A rate of combustion described by material which burns actively and easily supports combustion (e.g., coal, charcoal).

FREEBOARD: An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, unknown localized conditions, wave actions and unpredictable effects such as may be caused by ice or debris jams.

GARAGE, PRIVATE: An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used to store the private vehicles of the family resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on.

GRADING: An excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

GROUND FLOOR AREA: The lot area covered by a building, whether principal or accessory, measured from the exterior faces of the exterior walls of the building, exclusive of open terraces, porches and decks.

HABITABLE FLOOR: Any floor used for living purposes, including a basement.

HANDICAPPED GROUP HOME: A dwelling unit shared by more than six (6) unrelated handicapped individuals as defined in title VIII of the United States Civil Rights Act of 1968, as amended, together with their domestic servants and attendants, maintaining a common nonprofit household.

HELIPORT: A designated area on the ground or on a building meeting the specifications of the Federal Aviation Administration for the exclusive use of landing and take off of helicopters, including service and/or refueling buildings or facilities.

HIGH-WATER ELEVATION: The elevation of flood waters of the base flood at any given point.

HOME OCCUPATION: Any gainful occupation engaged in by the occupant of a dwelling at or from the dwelling.

HOSPITAL: A building or portion thereof, the principal use of which is for the medical, surgical or psychiatric treatment of patients and provides nursing, food and overnight lodging during illness.

HOTEL: A building which provides a common entrance, lobby, halls and stairways and in which lodging is offered to transient guests with or without meals and which contains a minimum of fifty (50) rooms.

IMPACT NOISE: A short duration sound which is incapable of being accurately measured on a sound level meter.

IMPULSE: Discreet vibration pulsations occurring no more often than one per second.

INTENSE BURNING: A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly (e.g., sawdust, magnesium, [powder, flaked or strips], rocket fuels).

LOMA: A letter of map amendment. The official determination by FEMA that a specific structure is not in a regulatory floodplain. An LOMA amends the effective FHBM, FBFM or FIRM.

LOMR: A letter of map revision. A letter from FEMA that revises base flood elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective FHBM, FBFM or FIRM.

LAND SURVEYOR: A person licensed under the laws of the State of Illinois to practice land surveying.

LODGING ROOM: A room rented as a sleeping and living quarters. In a suite of rooms, each room shall be counted as one lodging room. A lodging room shall be deemed to include rooms in hospitals, clinics and nursing homes where charges are made for the over-night use of said facilities.

LOT: A parcel of land (whether legally so described or subdivided as 1 or more lots or parts of lots) located within a single block, occupied by, or intended for occupancy by one principal building or principal use, and having its principal frontage upon a street.

LOT AREA: The area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.

LOT, CORNER: A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street when the intersection of the right-of-way lines extended form an interior angle of less than one hundred thirty five degrees (135°).

LOT COVERAGE: The area of a lot or parcel which is covered by buildings and/or other structures, but excluding any and all streets, drives, parking, walkways and stoops.

LOT DEPTH: The depth of a lot or parcel as measured along a straight line connecting the midpoint of the front lot line to the midpoint of the rear lot line.

LOT FRONTAGE: The front of a lot shall be that boundary of a lot along a street and for the corner lot, the front shall be the shorter lot boundary along a street.

LOT LINE: The property boundary line of a lot, except that where any portion of a lot extends into the abutting private street or drive, the lot line shall be deemed to be the center line of such street or drive.

LOT LINE, EXTERIOR SIDE: A lot line which abuts a street and which is not a front lot line or a rear lot line.

LOT LINE, FRONT: A lot line which abuts a street. For landlocked or partially landlocked lots, a lot line which faces the access to the lot.

LOT LINE, INTERIOR SIDE: A lot line which abuts another lot and which is not a front lot line or rear lot line.

LOT LINE, REAR: A lot line or lot lines most distant from and most nearly parallel to the front lot line. If the rear lot line is less than ten feet (10') in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet (10') in length within the lot, parallel to and at the maximum distance from, the front lot line.

LOT WIDTH: The width of a lot or parcel measured along a straight line perpendicular to a straight line connecting the midpoint of the front lot line with the midpoint of the rear lot line, such measurement being made to the point that the front to rear line intersects the required front yard setback line. In no case shall the front lot line be less than seventy five percent (75%) of the required lot width in the applicable district.

MEDICAL CANNABIS: Non-adult-use cannabis as defined in the Medical Cannabis Act.

MEDICAL CANNABIS ACT: The Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.) and as may, from time-to-time, be amended.

MEDICAL CANNABIS CULTIVATION CENTER: A facility operated by a registered organization that is regulated by the Illinois Department of Agriculture to grow and produce cannabis to dispense to registered medical cannabis dispensing organizations pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois effective January 1, 2014, as may be amended.

MEDICAL CANNABIS DISPENSARY: A business operated by a registered dispensing organization that is regulated by the Illinois Department of Financial and Professional Regulations to acquire cannabis and related products for medical purposes from a registered Illinois medical cannabis cultivation center and sell retail to qualifying patients and caregivers pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois effective January 1, 2014, as may be amended.

MOBILE HOME: A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

MOTEL: A building in which lodging is afforded with or without meals to transient guests and which contains a minimum of fifty (50) rooms.

NFIP: The National Flood Insurance Program. The requirements of the NFIP are codified in title 44 of the Code of Federal Regulations.

NONCOMBUSTIBLE: A material which will not ignite nor actively support combustion during an exposure for five (5) minutes to a temperature of one thousand two hundred degrees Fahrenheit (1,200°F). In the event that the definition of "noncombustible" contained herein conflicts with the Building Code of the Village, the more restrictive Code, rule, regulation or provision shall control.

NONCONFORMING SIGN: A sign, lawful at the time of the enactment of this title, which does not comply with all of the regulations of this title, or any amendment hereto governing the use of signs.

NONCONFORMING STRUCTURE: A structure lawfully established which:

(A) Does not comply with all the regulations of this title governing the bulk of structures located within any given district; or,

(B) Is designed or intended for a nonconforming use.

NONCONFORMING USE: A structure and the use thereof or the use of land that does not comply with the regulations of this title governing use in the district in which it is located, but which conformed with all of the codes, ordinances and other legal requirements applicable at the time such structure was erected, enlarged or altered, and the use thereof or the use of land was established.

NOXIOUS MATTER: Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well-being of human beings.

NURSING HOME: A State-licensed institutional facility which provides full-time convalescent or chronic care to three (3) or more individuals who by reason of advanced age, chronic illness or infirmity are unable to care for themselves. Private nursing homes are subject to a State survey. Public nursing homes are subject to a Federal survey.

OCTAVE BAND: A prescribed interval of sound frequencies which classifies sound according to its pitch.

ODOR THRESHOLD: The lowest concentration of odorous matter in air that will produce an olfactory response in a human being. Odor thresholds shall be determined in accordance with ASTM Method D1391-57, "Standard Method for Measurement of Odor and Atmospheres (Dilution Method)".

ODOROUS MATTER: Any material that produces an olfactory response in human beings.

OPEN SALES LOT: A lot occupied or used for the purpose of buying, selling or renting merchandise, stored or displayed out-of-doors prior to sale. Such merchandise includes automobiles, trucks, motor scooters, motorcycles, boats or similar commodities.

OPEN SPACE: Land unoccupied by structures, buildings, streets, right-of-way, driveway aisles and parking spaces and designed and intended for the use or enjoyment of residents of a planned unit development. Open space may contain structures for recreational use.

PARCEL (OR TRACT): A continuous area or acreage of land which can be described as provided for in the "Plat Act".

PARKING SPACE: A surfaced and permanently maintained area on privately or publicly owned property, either within or outside of a building, of sufficient size to store one standard automobile.

PARTICULATE MATTER: Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or a solid at atmospheric pressure and temperature.

PERFORMANCE STANDARD: A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

PERMITTEE: Any person to whom a site development permit is issued.

PERSON: Any person, firm or corporation, public or private, the State of Illinois and its agencies or political subdivision and the United States of America, its agencies and instrumentalities, any agent, servant, officer or employee of any of the foregoing.

PLAN COMMISSION: The Plan Commission of the Village of Willowbrook, DuPage County, Illinois.

PLANNED UNIT DEVELOPMENT: A tract of land which, at its time of development, is developed under single ownership or unified control, which includes two (2) or more principal buildings or uses, and is processed under the planned unit development procedure of this title.

PLANNED UNIT DEVELOPMENT PLAT: A drawing or map made to a measurable scale upon which is presented a description and definition of the way in which the design requirements of the planned unit development are to be met and intended for recording with the DuPage County Recorder of Deeds.

PLAT: A map or chart of a subdivision of land.

PLAT ACT: 765 Illinois Compiled Statutes, as amended.

PLAT, FINAL: A map of all or part of a subdivision providing substantial conformance with the requirements of the "Plat Act" and this Code and for recording by the DuPage County Recorder of Deeds.

PLAT, PRELIMINARY: A map showing all requisite details of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration, prepared in conformance with the "Plat Act" and this Code.

PRE-1960 OCTAVE BANDS: The frequency intervals prescribed by the American Standards Association in ASA standard 224 10-1953, "octave band filter set".

PREFERRED FREQUENCIES: A set of octave bands described by the band center frequency and standardized by the American Standards Association in ASA standard S1 6-1960, "preferred frequencies for acoustical measurements".

PREMISES: A lot or parcel of land together with the buildings and structures located thereon.

PROFESSIONAL ENGINEER: A person licensed under the laws of the State of Illinois to practice professional engineering.

PROFESSIONAL ENGINEERING: The application of science to the design of engineering systems and facilities, using the knowledge, skills, ability, and professional judgment developed through professional engineering education, training and experience.

PROFESSIONAL ENGINEERING PRACTICE: The consultation on, conception, investigation, evaluation, planning and design of, and selection of materials and methods to be used in, administration of construction contracts for or site observation of an engineering system or facility, when such consultation, conception, investigation, evaluation, planning, design, selection, administration or observation requires extensive knowledge of engineering laws, formulas, materials, practice and construction methods.

PUBLIC IMPROVEMENTS: Grading, street surfacing, curbs and gutter, sidewalks, walkways, crosswalks, water mains, fire hydrants and other water system improvements, sanitary sewers, storm sewers, stormwater management structures and lands, culverts, bridges, streetlights, trees and other additions or deletions from the natural state of land which increases its value, utility or habitability.

PUBLIC SERVICE: A building, structure or parcel of land owned by a governmental entity or public utility for the benefit of the public at large. An aboveground service facility shall be deemed a public service.

PUBLIC UTILITY: Any person, firm, corporation, Municipal department, board or commission, duly authorized to furnish, and furnishing under government regulations, to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

PUBLIC WALKWAY: A right-of-way dedicated for the purpose of a pedestrian access and located so as to connect two (2) or more streets or a street and a public land parcel.

RECORD DRAWINGS: Drawings prepared, signed and sealed by a professional engineer or land surveyor representing the final "as built" record of the actual in place elevations, location of structures and topography.

REGULATORY FLOODPLAIN: The floodplain as determined by the base flood elevation used as the basis for regulation in this title.

REGULATORY FLOODWAY: The floodway that is used as the basis for regulation in this title.

REGULATORY WETLANDS: All wetlands other than critical wetlands.

RESTAURANT: A retail establishment that is kept, used, maintained, advertised, and held out to the public as a place where meals are cooked and prepared in an adequate and sanitary kitchen located on the licensed premises using stoves, ovens, fryers, and related equipment located on the licensed premises and which are protected by a fire protection system that conforms with the Village Code. The sale of packaged food such as potato chips, pretzels, popcorn, peanuts, or other similar snacks or frozen packaged food shall not be considered food prepared and served on premises, as required herein.

RETAIL SALES: The sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

RINGELMANN CHART: A chart which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of gray for use in estimating the light obscuring capacity of smoke.

RINGELMANN NUMBER: The number of the area on the Ringelmann chart that coincides most nearly with the light obscuring capacity of smoke.

RIPARIAN ENVIRONMENT: Land bordering a waterway or wetland that provides habitat or amenities dependent on the proximity to water.

ROOFLINE: Either the peak line of the roof or the top of the parapet, whichever forms the top line of the building silhouette; and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

RUNOFF: The waters derived from melting snow or rain falling within a tributary drainage basin that exceed the infiltration capacity of the soils of that basin.

SCS: The United States Department of Agriculture, Soil Conservation Service.

SATELLITE EARTH STATION: Any antenna which includes a reflector element, whether flat, concave or parabolic, which is designed for receiving television, radio, data or other signals from satellites or other sources, or for transmitting such signals to a receiving station.

SETBACK: The minimum horizontal distance between a lot line and structures or other uses on a lot as measured perpendicularly from the lot line.

SHOPPING CENTER: Any concentration of two (2) or more retail stores and/or service establishments in one or more buildings under single ownership or management, with common parking facilities.

SHOPPING CENTER OUTPARCEL: Any building pad or subdivided parcel developed as part of a shopping center and which shares common parking areas and/or access drives.

SIGN: Any object, device, display or structure or part thereof which is used to advertise, identify, display, direct or attract the attention to an object, person, institution, organization, business, project, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion illumination or projected images. The term sign includes, but is not limited to, every projecting sign, wall sign, roof sign, billboard, posterboard, freestanding sign, ground sign, window sign, vehicle sign, awning, canopy, marquee,

changeable copy sign, illuminated sign, flashing sign, animated sign, temporary sign, portable sign or any other attention getting device or other display whether affixed to a building or separate from any building.

Animated Sign: Any sign or part of a sign which changes physical position by any movement or rotation or any sign which presents the illusion of movement.

Attention Getting Device: Any pennant, flag, valance, banner, propeller, spinner, streamer, searchlight, balloon and similar device or ornamentation designed for purposes of promotion or advertising or attracting attention.

Awning, Marquee, Canopy Sign: Shall include any fixed sign, as well as retractable or removable marquee, canopy and awning, respectively, projected over, suspended above or erected upon any public thoroughfare.

Billboard, Commercial Or Posterboard: A single or double faced freestanding sign permanently erected on the premises, including changeable copy signs, used for the display of commercial information not associated with the conduct of a business or enterprise located on the same premises of such sign.

Building Sign: See definition of sign: wall sign.

Business Sign: A sign that directs attention to or advertises a business or profession conducted upon or to a commodity, service or entertainment sold or offered upon the zoning lot upon which such sign is erected.

Changeable Copy Sign: A sign wherein provision is made for the manual or electronic change of letters or characters in the field in or upon the surface area of the sign.

Dynamic: Any sign designed for outdoor advertising use that is capable of displaying a video signal, including, but not limited to, cathode ray tubes (CRT), light emitting diode (LED) displays, plasma displays, liquid crystal displays (LCD), or other technologies used in commercially available televisions or computer monitors.

Externally Illuminated Sign: A sign illuminated by a source of light which is cast upon or falls upon, the surface or face of the sign to illuminate by reflection only.

Festoon Lighting: A group of two (2) or more incandescent light bulbs hung or strung overhead, not on a building or structure, which are exposed to persons on a public right-of-way or which are not shaded or hooded to prevent direct rays of light from being visible.

Flashing Signs: Any directly or indirectly illuminated sign, either stationary or animated which exhibits changing natural or artificial light or color effects by any means whatsoever.

Freestanding Sign Or Ground Sign: A sign completely or principally self-supported by a post(s) or other support(s) independent of any building or other structure and anchored in or upon the ground.

Gasoline Pricing Sign: A permanently mounted sign with changeable numbers displaying pricing information for various types of gasoline sold. Gasoline pricing signs shall contain no other advertising information.

Identification Sign: Any sign which states the company name of any business including both national company and/or proprietor.

Internally Illuminated Sign: A sign, all or any part of the letter or design of which is made of incandescent, neon or other types of lamps; a sign with painted, flush or raised letter lighted by an electric lamp or lamps attached thereto; a sign having a border of incandescent or fluorescent lamps thereto attached and reflecting light thereon; or a translucent sign, whether lighted by electricity or other illuminant.

Nameplate: A sign which displays only the name and/or address of the occupant and is nonelectrical.

Noncommercial Sign: A sign containing or a message not related to the sale, exchange or promotion of any product or service or any business, enterprise or concern engaged in or offering to sell, exchange or promote any product or service.

Obsolete Sign: A sign which advertises a business which is not being presently conducted upon the premises on which the sign is located.

Off Premises Sign: A sign which directs attention to or advertises a use, business, commodity, service or activity not conducted, sold or offered upon the premises where the sign is located. This term also includes those signs commonly known as advertising signs, billboards and poster panels.

Political Sign: A sign announcing candidates seeking public political office and/or any sign concerning political issues and other issues pertinent thereto.

Portable Sign: This term also includes those signs commonly known as sandwich signs. Any sign that is not permanently affixed to a building structure or the ground; a sign designed to be moved from place to place. These signs primarily include, but are not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; paper, cardboard or canvas signs wrapped around supporting poles. Also included are those signs commonly trailer mounted, which are designed to be moved from place to place.

Projecting Sign: A sign which projects more than twelve inches (12") from the face of any building or wall which supports said sign. Any sign suspended under a marquee and in a place approximately perpendicular to the wall of the building supporting the marquee shall not be deemed to be a "projecting sign".

Real Estate Sign: A sign located for purposes of advertising a parcel of land or a building as available for sale, rental or lease.

Roof Sign: A sign erected, constructed or maintained in whole or in part upon or over the roof of a building or structure. Roof signs shall not include those signs maintained upon the lower slope of a mansard roof which do not extend above the uppermost point of the lower slope. Such signs shall be classified as wall signs.

Sandwich Board Sign: A temporary or movable sign not secured or attached to the ground or surface upon which it is located and constructed in such a manner as to form an "A" or a tentlike shape with each angular face held at an appropriate distance by a supporting member and which may or may not be hinged at the top.

Service Station Informational Sign: A sign which identifies gasoline pumps or gasoline pump islands as full/self service and/or cash/credit sales.

Sign Surface Area: The total exposed surface devoted to the sign's message, including all framing, bordering, backgrounds, backdrops, ornamentation, embellishment, letters, symbols, logos and all other such elements of a sign, but excluding, in the case of a freestanding or ground sign, the supporting structure. In the case of a ground sign, designed with more than one exterior surface, the sign surface area shall be computed as including the sum of the area of all applicable surfaces.

Temporary Sign: Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboards, wallboard or other materials, with or without frames, for use for a limited period of time.

Time And/Or Temperature Signs:

(A) **Time Signs:** Devices which periodically display the time of day.

(B) **Temperature Signs:** Devices which periodically display the current temperature.

Unusually Shaped Signs: Such as cubes, globes, cylinders or pyramids, shall be considered multifaced signs and the sign surface area shall be computed as the total of the exposed surface.

Vending Machine Sign: A sign which is built into and which is an integral part of a vending machine and which advertises only products sold from said vending machine.

Wall Sign: A sign mounted or attached to and supported by the wall of any part of a building or structure, except the roof, in a plane parallel to that of the supporting wall, consisting of individual or grouped letters

and/or symbols. A wall sign may not project more than twelve inches (12") from the plane of the surface to which it is attached.

Window Identification Sign: An identification sign painted on, affixed to or placed against any window or which is placed in a display case for view from the outdoors through a window when such sign is visible from any public right-of-way.

Window Promotional Sign: Any sign painted on, affixed to or placed against any window or which is placed in a display case for view from the outdoors through a window when such sign is visible from any public right-of-way and which is displayed for the specific purpose of attracting the attention of the passerby to a sale, or to promotional items, or to other products or services.

SITE: A lot or parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE DEVELOPMENT: Altering terrain, vegetation and/or constructing any site improvements.

SKETCH PLAN: A conceptual drawing indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for review and to meet the requirements and procedures set forth in this Code.

SLOW BURNING: A rate of combustion which describes materials that do not in themselves constitute an active fuel for the spread of combustion (e.g., wool materials with fire retardant treatments).

SMOKE: Small gasborne particles other than water that form a visible plume in the air.

SMOKE UNITS, NUMBER OF: The number obtained by multiplying the smoke density and Ringelmann numbers by the time of emission in minutes. For the purposes of this calculation, a Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time and minutes during which it is observed; the various products are then added together to give the total number of smoke units observed during the total period under observation.

SOIL AND WATER CONSERVATION DISTRICT: The Kane-DuPage Soil and Water Conservation District.

SOIL SCIENTIST: A person with a four (4) year degree in which the core curriculum included coursework in two (2) of the following fields: soil science, pedology, edaphology, and geomorphology, and which person has a minimum of two (2) years of field experience in classifying soils.

SOUND LEVEL METER: An instrument standardized by the American Standards Association for measurement of intensity of sound that is calibrated in decibels.

SOUND PRESSURE LEVEL: The intensity of sound or noise in decibels.

SPECIAL FLOOD HAZARD AREA: An area having special flood, mudslide, or mud flow, or flood related erosion hazards, and which area is shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E.

SPECIAL MANAGEMENT AREAS: Regulatory floodplains or wetlands.

SPECIFIED ANATOMICAL AREAS:

(A) Less than completely or opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; and/or

(B) Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: (A) Human genitals in a state of sexual stimulation or arousal;

(B) Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation, flagellation or erotic or sexual oriented torture, beating or infliction of pain;

(C) Fondling, kissing or erotic touching of human genitals, pubic region, buttocks or female breasts; and/or

(D) Excretory functions as part of or in connection with any activity set forth in subsections (A) through (C) of this definition.

STABLE: A building where horses are raised or kept for hire or boarded for remuneration.

STANDARD SPECIFICATIONS: The Village of Willowbrook Standard Specifications for the Design and Construction of Public Improvements as the same shall be adopted, from time to time, by resolution of the Board of Trustees.

STORMWATER FACILITY: All ditches, channels, conduits, bridges, culverts, levees, ponds, natural and man-made impoundments, wetlands, tile, swales, sewers or other natural or artificial structures or measures which serve as a means of draining surface and subsurface water from land.

STORY: That portion of a building included between the floor surface and the surface of the next floor or roof above and having a height of not less than seven feet (7'), except that space used exclusively for the housing of mechanical services for the building and having access limited to maintenance purposes only, shall not be construed as a story. A basement shall be construed as a story if the level of the finished floor is four feet (4') or less from the average outside finished grade adjacent to that floor. A story may have differing or "split" levels, in which case, the floor levels which have the least difference in floor level (5 feet or less) shall be construed as being of the same story. A mezzanine shall be construed as a story if its area exceeds one-third ($\frac{1}{3}$) of the floor area of the room in which the mezzanine is located.

STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall not more than three feet (3') above the top floor level, and in which space not more than sixty percent (60%) of the floor area is completed for the principal or accessory uses.

STREET: A permanent public or private right-of-way which affords a primary means of access to abutting property.

STREET CLASSIFICATION PLAN: The street classification plan of the Village as provided in the Comprehensive Plan of the Village.

STREET CLASSIFICATIONS:

(A) **Regional Arterial:** A major street or highway providing inter-county or intra-county access, and serving as major high volume thoroughfares. Such streets or highways may generally have full interchanges with expressway systems and have limited or restricted access. Such highways consist of a minimum of four (4) divided lanes, with additional turning movement lanes, and where prior development has occurred, a two (2) lane service road on each side (if necessary).

(B) **Major Arterial:** A roadway which serves a very high volume of traffic moving between principal traffic generating areas within the community and outside. Average daily traffic volumes may be in excess of ten thousand (10,000) vehicles per day.

(C) **Minor Arterial:** This type of roadway serves a high volume of traffic moving between principal traffic generating areas within the community and outside. Minor arterial streets generate traffic volumes in a range from five thousand (5,000) to ten thousand (10,000) vehicles per day.

(D) **Collector Street:** Streets which collect and distribute a medium volume of traffic from local to arterial streets and between adjacent residential or business areas. Collector streets generate traffic volumes in a range from one thousand (1,000) to five thousand (5,000) vehicles per day.

(E) **Local Street:** Local streets are streets of limited continuity and are primarily for direct access to residential, commercial, industrial and other abutting property. Local streets generate traffic volumes of less than one thousand (1,000) vehicles per day.

(F) **Cul-De-Sac:** A minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turnaround.

(G) Private Street: An undedicated street which is privately owned and maintained, or an easement of access benefitting a dominant tenement.

STRUCTURAL ALTERATIONS: Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls, fire walls, foundation walls, footings, foundations, columns, beams or girders, piers, or any substantial change in the roof or exterior walls.

STRUCTURAL ENGINEER: A person licensed under the laws of the State of Illinois as a structural engineer.

STRUCTURE: Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. An advertising or business sign or other advertising device, if detached or projecting, shall be construed to be a separate structure.

SUBDIVIDER: A natural person, firm, association, partnership, corporation or combination thereof or their agents, who shall seek to subdivide or partition a parcel or tract of land as hereinafter regulated, or who shall seek to develop a heretofore subdivided parcel or tract which has not been improved in accordance with the standards and specifications incorporated herein. In addition, as used herein, a subdivider shall be deemed to include any person or entity who shall seek approval of a planned unit development to the extent provided in section [10-1-3](#) of this Code, or who shall seek to construct a heretofore approved planned unit development.

SUBDIVISION: The partitioning or dividing of a parcel or tract of land by the subdivider thereof or by his heirs, executors, administrators, legal representatives, successors or assigns, where the act of division creates a subdivision not exempt under the provisions of 765 Illinois Compiled Statutes, except that the exemption provided by 765 Illinois Compiled Statutes 205/1(b)9 shall not be applicable with respect to property subject to the jurisdiction of the Village. In addition, as used herein, a subdivision shall be deemed to include a planned unit development to the extent provided in section [10-1-3](#) of this Code, or who shall seek to construct a heretofore approved planned unit development.

SUBDIVISION ACT: 765 Illinois Compiled Statutes of the "Plat Act", as amended.

SUBDIVISION REGULATIONS: The subdivision regulations of the Village, as incorporated in title 10 of this Code.

THREE-COMPONENT MEASURING SYSTEM: A three (3) component measuring system is an instrument or compliment of instruments which record earthborne vibrations simultaneously in three (3) mutually perpendicular directions.

TOXIC MATERIALS: A substance (liquid, solid or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

TRAILER: Any vehicle or similar portable structure originally designed or converted so as to provide living quarters, storage, business activities or sales.

UPLIFT PRESSURES: Uplift pressures are those which act in a vertically upward direction on the underside of horizontal or sloping surfaces or buildings or structures, such as basement slabs, footings, floors, decks, roofs and overhangs. Hydrostatic pressures acting on inclined, rounded or irregular surfaces may be resolved into vertical or uplift pressures and lateral pressures based on the geometry of the surfaces and the distribution of hydrostatic pressures.

USE: The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

USE, ACCESSORY: An accessory use is a structure and/or use which:

(A) Is subordinate to and serves a principal structure or use.

(B) Is subordinate in area, extent, intensity and/or purpose to the principal structure or use served.

(C) Contributes to the comfort, convenience or necessity of the occupants of, or the business or industry located in or on the principal structure and/or use served; and

(D) Is located on the same zoning lot as the principal structure and/or use served.

USE, PRINCIPAL: The main use of land or buildings as distinguished from a subordinate or accessory use.

VACANT: Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

VIDEO GAMING CAFE: An establishment whose primary or major focus is video gaming as authorized by the Video Gaming Act (230 ILCS 40/1 et seq.) and the service of alcohol and food is incidental to the operation of video gaming.

VILLAGE: The Village of Willowbrook, DuPage County, Illinois.

VILLAGE BOARD: The President and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois.

VILLAGE ENGINEER: The Village Engineer of the Village of Willowbrook, DuPage County, Illinois.

VISION CLEARANCE: An open, unoccupied triangular space at the street corner of a corner lot, the space being defined as a setback line extending across the corner between points established on the street lines by measurement from the corner.

WALL: An artificially constructed barrier made of masonry materials, including but not limited to brick and poured concrete, resting on or partially buried in the ground and rising above ground level, erected for the purpose of providing protection, facilitating abrupt grade transitions, preventing uncontrolled access, or for decorative purposes, or to screen from viewers in or on adjoining properties and streets the property on which the wall is erected. All exterior screening "walls" must bear directly on a footing or foundation wall.

WATERCOURSE: Any stream, creek, brook, branch, natural or artificial depression, slough, gulch, wetland, reservoir, lake, pond or natural or man-made drainage way in or into which stormwater runoff and flood waters flow either regularly or intermittently.

WATERSHED: All land area drained by, or contributing to, the same stream, lake, or stormwater facility.

WATERSHED BENEFIT: A decrease in flood elevations and flood damages upstream or downstream of the development site.

WATERSHED PLAN MODEL: A hydrologic and hydraulic model used in developing a watershed plan.

WETLANDS: Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

WHOLESALE CLUBS: Self-service, cash and carry, food and general merchandise facilities designed to serve businesses, institutions and individuals who must purchase either a business or individual membership before they will be allowed access to the facility. The goods sold may be for both final consumption and resale. The type of food and general merchandise sold may include but shall not be limited to the following: food and groceries, wine, beer and liquor, major and small appliances, electronics, photo equipment, hardware, clothing, health and beauty aids, office supplies, jewelry, tires (including accessory installation and balancing), automotive supplies including but not limited to batteries (including accessory installation), motor oil, antifreeze and jacks, and other items of the type which are usually found in general family type discount department stores.

YARD: Areas required on any lot or parcel which are unoccupied and unobstructed from their lowest level upward, except for permitted obstructions as otherwise provided for in this Code, and which extend along a lot line and at right angles thereto to a depth or width as specified by the bulk regulations for the district in which the lot or parcel is located.

YARD, EXTERIOR SIDE (STREET): A required yard adjoining a street which extends the full depth of a lot, along an exterior side lot line, excluding the area within a front yard.

YARD, FRONT: A required yard which extends the full width of a lot along a front lot line.

YARD, INTERIOR SIDE: A required yard adjoining another lot which extends the full depth of a lot along an interior side lot line, excluding the area within a front yard.

YARD, REAR: A required yard which extends the full width of a lot along a rear lot line, excluding the area within interior and exterior side yards.

YARD, TRANSITION: A required yard which is specifically required by the provisions of this title to be provided on certain zoning lots in business, office or manufacturing districts by reason of the fact that such lots are abutting or adjacent to residential districts.

ZONING DISTRICT MAP: The official zoning map of the Village adopted from time to time pursuant to such applicable statutes as made and provided.

ZONING OFFICER: The Zoning Officer of the Village of Willowbrook, DuPage County, Illinois.

ZONING ORDINANCE: The zoning ordinance of the Village of Willowbrook, DuPage County, Illinois. (Ord. 82-O-39, 8-9-1982; amd. Ord. 83-O-15, 3-14-1983; Ord. 84-O-20, 5-29-1984; Ord. 84-O-57, 10-22-1984; Ord. 85-O-11, 3-25-1985; Ord. 86-O-6, 4-28-1986; Ord. 87-O-20, 5-11-1987; Ord. 87-O-46, 11-9-1987; Ord. 89-O-18, 5-8-1989; Ord. 90-O-42, 11-26-1990; Ord. 97-O-05, 1-27-1997; Ord. 97-O-10, 4-14-1997; Ord. 98-O-25, 8-24-1998; Ord. 05-O-32, 11-14-2005; Ord. 06-O-26, 8-28-2006; Ord. 07-O-19, 8-13-2007; Ord. 07-O-36, 12-10-2007; Ord. 10-O-14, 6-28-2010; Ord. 14-O-15, 3-24-2014; Ord. 14-O-43, 9-22-2014; Ord. 19-O-15, 7-22-2019; Ord. 19-O-32, 11-25-2019)

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Title 9 Zoning Regulations Chapter 6A B-1 Neighborhood Shopping District

SECTION:

9-6A-1: Permitted Uses

9-6A-2: Special Uses

9-6A-3: Bulk Regulations

9-6A-1: PERMITTED USES:

Permitted uses in this district are:

Accessory uses and structures as provided in chapter 12 of this title.

Bakeries, where not more than sixty percent (60%) of the floor area is devoted to storage of supplies and product processing.

Barber shops and beauty parlors.

Dry cleaning and laundry retail establishments, providing that processing, if done on the premises, shall utilize nonexplosive and nonflammable materials, and that such processing shall be limited to service of the principal use.

Florist shops.

Gift shops.

Hardware stores.

Launderettes, including automatic self-service dry cleaning equipment.

Similar and compatible uses which are of the same general character as the above permitted uses.

Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 90-O-42, 11-26-1990; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 19-O-32, 11-25-2019)

9-6A-2: SPECIAL USES:

Special uses in this district are:

Delicatessens.

Drug stores.

Fast food establishments.

Food stores.

Grocery stores.

Meat markets.

Planned unit developments.

Similar and compatible uses which are of the same general character as those allowed as special uses in the B-1 zoning district. Determination of whether a particular use constitutes a similar and compatible shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 90-O-42, 11-26-1990; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 19-O-32, 11-25-2019)

9-6A-3: BULK REGULATIONS:

All uses in this district must comply with the following requirements:

- (A) Minimum lot area: For all uses - one acre.
- (B) Minimum district area: One or more contiguous parcels having an aggregate area of not less than two (2) acres.
- (C) Minimum lot width: For all uses - one hundred fifty feet (150').
- (D) Minimum lot depth: For all uses - two hundred feet (200').
- (E) Required setbacks are:
 - 1. A minimum front yard of sixty feet (60');
 - 2. A minimum interior side yard of thirty feet (30');
 - 3. A minimum exterior side yard of sixty feet (60');
 - 4. A minimum rear yard of forty feet (40'); and,
 - 5. A minimum transition yard along any lot line adjoining a residential district of not less than one hundred feet (100') in depth measured from such district line. Screening shall be provided within all transition yards to protect on a year-round basis the privacy of the adjoining residential district. Said screening shall as a minimum consist of a six foot (6') earthen berm planted with overstory trees not less than three inches (3") in caliper measured one foot (1') from the ground spaced at intervals not exceeding thirty feet (30'). If the adjoining residential use is separated from the non-residential use by a public street right-of-way, said screening as a minimum shall consist of a three foot (3') high earthen berm densely planted with evergreen trees or shrubs (so as to achieve a 6 foot screening effect) and planted with overstory trees not less than three inches (3") in caliper measured one foot (1') from the ground spaced at intervals not exceeding thirty feet (30').
- (F) Maximum lot coverage: For all uses - fifty percent (50%).
- (G) Maximum height: Thirty feet (30').
- (H) Maximum floor area ratio: 0.3. (Ord. 77-O-14, 3-31-1977; amd. Ord. 90-O-42, 11-26-1990; amd. Ord. 97-O-05, 1-27-1997)

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Title 9 Zoning Regulations Chapter 6B B-2 Community Shopping District

SECTION:

9-6B-1: Permitted Uses

9-6B-2: Special Uses

9-6B-3: Bulk Regulations

9-6B-1: PERMITTED USES:

Permitted uses in this district are:

Accessory uses and structures as provided in chapter 12 of this title.

Antique shops.

Apparel and clothing stores.

Art and craft supply stores and studios.

Art galleries.

Auto supply stores, provided that retail sales only shall be permitted, and further provided that machining of any type and/or outdoor storage are expressly prohibited.

Bakeries where not more than sixty percent (60%) of the floor area is devoted to storage of supplies and product processing.

Banks and other financial institutions.

Barber shops and beauty parlors, including therapeutic massage, where not more than twenty percent (20%) of the floor area is devoted to massage therapy.

Blueprinting and photocopying establishments.

Book, stationery stores and newsstands.

Camera and photographic supply stores.

Candy, ice cream and bakery shops or shops selling similar commodities.

Carpet and rug stores.

China and glassware stores.

Clinics, medical and/or dental; including laboratories.

Clothing and costume rental shops.

Coin and philatelic stores.

Computer sales and service.

Department stores.

Dry cleaning and laundry retail establishments, providing that processing, if done on the premises, shall utilize nonexplosive and nonflammable materials, and that such processing shall be limited to service of the principal use.

Electrical, gas and other household appliance stores, including radio and television sales, but excluding repairs.

Florists.

Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.

Furriers.

Hardware stores.

Hat and shoe repair shops.

Hobby shops.

Housewares stores.

Interior decorating shops.

Jewelry shops, including watch repair.

Laundries, self-service and shops for the collection and distribution of laundry and dry cleaning articles.

Leather goods and luggage stores.

Liquor stores (occupancy permit subject to issuance of liquor license).

Loan offices.

Locksmiths.

Millinery stores.

Music stores.

Musical and instrument stores.

Office supply and stationery stores.

Offices and office buildings.

Optical stores and optometrist offices.

Orthopedic and medical appliance stores.

Paint and wallpaper stores.

Pet shops.

Photographer, artist or similar studios.

Photography studio.

Physical culture and health service, gymnasiums and reducing salons.

Picture framing shops.

Real estate sales and brokerage offices.

Sales and display rooms.

Sewing machines sales and service, household machines only.

Shoe stores and shoe repair.

Sporting goods stores.

Tailor or dressmaking shops.

Tanning salons.

Tobacco stores.

Toy stores.

Travel agencies and transportation ticket offices.

Typewriter and office equipment sales and service.

Variety stores.

Video gaming cafe.

Video tape/disc sales and rental stores.

Similar and compatible uses which are of the same general character as the above permitted uses. Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 84-O-51, 10-22-1984; amd. Ord. 87-O-20, 5-11-1987; amd. Ord. 90-O-42, 11-26-1990; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 97-O-10, 4-14-1997; amd. Ord. 19-O-32, 11-25-2019)

9-6B-2: SPECIAL USES:

Special uses in this district are:

Audio and communications equipment, installation, sales and repair, including the installation and servicing of such equipment located in motor vehicles.

Automobile service stations - maximum of six (6) service bays.

Automobile washing and cleaning facilities.

Bicycle sales, rental and repairs.

Bus depots and cab stands.

Delicatessens.

Drive-in facilities, for permitted uses.

Drug stores and restaurant facilities, including package liquor sales (occupancy permit subject to issuance of liquor license).

Electrical and household appliance sales and repair.

Fast food establishments.

Food stores.

Garden supply stores.

Indoor amusement establishments, including bowling alleys, child play establishments, gymnasiums, swimming pools, skating rinks and indoor theaters.

Meat markets.

Planned unit developments.

Restaurants and banquet halls, including musical entertainment and dancing.

Schools - commercial, business, trade, music and dance.

Wholesale clubs.

Similar and compatible uses which are of the same general character as those allowed as special uses in the B-2 zoning district. Determination of whether a particular use constitutes a similar and compatible shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 78-O-17, 3-27-1978; amd. Ord. 89-O-18, 5-8-1989; amd. Ord. 90-O-42, 11-26-1990; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 19-O-32, 11-25-2019)

9-6B-3: BULK REGULATIONS:

All uses in this district must comply with the following requirements:

- (A) Minimum lot area: For all uses - one acre.
- (B) Minimum district area: One or more contiguous parcels having an aggregate area of not less than two (2) acres.
- (C) Minimum lot width:
 - 1. For restaurants and accessory cocktail lounges: Two hundred feet (200');
 - 2. For automobile service stations: Two hundred feet (200');
 - 3. For all other uses: One hundred fifty feet (150').
- (D) Minimum lot depth: For all uses - two hundred feet (200').
- (E) Required setbacks are:
 - 1. A minimum front yard of sixty feet (60');
 - 2. A minimum interior side yard of thirty feet (30');
 - 3. A minimum exterior side yard of sixty feet (60');
 - 4. A minimum rear yard of forty feet (40'); and
 - 5. A minimum transition yard along any lot line adjoining a residential district of not less than one hundred feet (100') in depth measured from such district line. Screening shall be provided within all transition yards to protect on a year-round basis the privacy of the adjoining residential district. Said screening shall as a minimum consist of a six foot (6') earthen berm planted with overstory trees not less than three inches (3") in caliper measured one foot (1') from the ground spaced at intervals not exceeding thirty feet (30'). If the adjoining residential use is separated from the non-residential use by a public street right-of-way, said screening as a minimum shall consist of a three foot (3') high earthen berm densely planted with evergreen trees or shrubs (so as to achieve a 6 foot screening effect) and planted with overstory trees not less than three inches (3") in caliper measured one foot (1') from the ground spaced at intervals not exceeding thirty feet (30').
- (F) Maximum lot coverage: For all uses - fifty percent (50%).
- (G) Maximum height: Thirty feet (30').
- (H) Maximum floor area ratio: 0.3. (Ord. 77-O-14, 3-31-1977; amd. Ord. 90-O-42, 11-26-1990; amd. Ord. 97-O-05, 1-27-1997)

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Title 9 Zoning Regulations – Chapter 6C B3 General Business District

SECTION:

9-6C-1: Permitted Uses

9-6C-2: Special Uses

9-6C-3: Bulk Regulations

9-6C-1: PERMITTED USES:

Permitted uses in this district are:

Accessory uses and structures as provided in chapter 12 of this title.

Animal hospitals and veterinarian offices.

Art galleries.

Auction rooms.

Banks and other financial institutions.

Bicycle stores; sales, rental and repair.

Blueprinting and photocopying establishments.

Carpet and rug stores.

China and glassware stores.

Clothing and costume rental shops.

Coin and philatelic stores.

Computer sales and service.

Dry cleaning and laundry retail establishments, provided that processing, if done on the premises, shall utilize nonexplosive and nonflammable materials, that such processing shall be limited to service of the principal use.

Electrical, gas and other household appliance stores, including radio and television sales, accessory repair and service thereof.

Employment agencies.

Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.

Furrier shops, including the incidental storage and conditioning of furs.

Garden supply and seed stores.

Greenhouses and conservatories.

Interior decorating shops, including upholstery and making draperies, slipcovers and other similar articles when conducted as part of the retail operation and secondary to the principal use.

Job printing shops, using presses having beds of not more than fourteen inches by twenty inches (14" x 20").

Kennels, with no outdoor dog runs.

Leather goods and luggage stores.

Liquor stores, retail sales of packaged goods only (occupancy permit subject to issuance of liquor license).

Locksmith shops.

Mail order service stores.

Millinery stores.

Music stores, sheet music, tape and disc sales.

Musical instrument sales and repair.

Office supply stores.

Orthopedic and medical appliance stores, not including the assembly or manufacture of such articles.

Paint and wallpaper stores.

Parking lots, for passenger motor vehicles only.

Pet service, domestic.

Pet shops.

Physical culture and health service, gymnasiums and exercise salons.

Picture framing, when conducted on the premises for retail trade.

Plumbing, heating, air conditioning and electrical fixtures and equipment; show room shops for domestic use only.

Printing plants for newspapers and similar publications.

Radio and television broadcasting studios.

Radio and television service and repair shops.

Recording studios.

Service, cleaning and repair shops for personal, household or garden equipment.

Sewing machines sales and services, household machines only.

Shoe and hat repair stores.

Shoe stores.

Tailor shops.

Taxidermists.

Tobacco shops.

Toy shops.

Typewriter and adding machine sales and service establishments.

Video gaming cafe.

Similar and compatible uses which are of the same general character as the above permitted uses. Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 87-O-20, 5-11-1987; amd. Ord. 90-O-42, 11-26-1990; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 19-O-32, 11-25-2019)

9-6C-2: SPECIAL USES:

Special uses in this district are:

Catering establishments.

Clubs, lodges and fraternal organizations.

Drive-in establishments for permitted uses.

Fast food establishments.

Heliports (other than for freight); public or private, located on a lot not less than one acre in area and having a touchdown area which is enclosed by a fence and which is not less than one hundred feet (100') in diameter. The landing area shall, as a minimum, have two (2) approach/departure paths with center lines radiating from the center of the area forming an angle greater than ninety degrees (90°), which are not less than seventy five feet (75') in width and which are unobstructed above an imaginary plane extending from the edge of the landing area at an incline of one foot (1') vertically to each six feet (6') horizontally.

Indoor amusement and recreation establishments, including bowling alleys, gymnasiums, swimming pools, skating rinks, and movie theaters.

Planned unit developments.

Recreation: outdoor, par 3 and miniature golf, driving ranges, swimming and tennis clubs and other outdoor recreation uses as approved by the Board of Trustees.

Restaurants and banquet halls, including musical entertainment and dancing.

Telephone answering service and telegraph office.

Trailer or boat sales establishments, for new trailer or boat sales.

Similar and compatible uses which are of the same general character as those allowed as special uses in the B-3 zoning district. Determination of whether a particular use constitutes a similar and compatible shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 90-O-42, 11-26-1990; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 19-O-32, 11-25-2019)

9-6C-3: BULK REGULATIONS:

All uses in this district must comply with the following requirements:

(A) Minimum lot area: For all uses - one and one-half (1 1/2) acres.

(B) Minimum district area: One or more contiguous parcels having an aggregate area of not less than two (2) acres.

(C) Minimum lot width:

1. For restaurants and accessory cocktail lounges - two hundred feet (200').

2. For all other uses - one hundred fifty feet (150').

(D) Minimum lot depth: For all uses - two hundred feet (200').

(E) Required setbacks are:

1. A minimum front yard of sixty feet (60');

2. A minimum interior side yard of thirty feet (30');

3. A minimum exterior side yard of sixty feet (60');

4. A minimum rear yard of forty feet (40'); and,

5. A minimum transition yard along any lot line adjoining a residential district of not less than one hundred feet (100') in depth measured from such district line. Screening shall be provided within all transition yards to protect on a year-round basis the privacy of the adjoining residential district. Said screening shall as a minimum

consist of a six foot (6') earthen berm planted with overstory trees not less than three inches (3") in caliper measured one foot (1') from the ground spaced at intervals not exceeding thirty feet (30'). If the adjoining residential use is separated from the non-residential use by a public street right-of-way, said screening as a minimum shall consist of a three foot (3') high earthen berm densely planted with evergreen trees or shrubs (so as to achieve a 6 foot screening effect) and planted with overstory trees not less than three inches (3") in caliper measured one foot (1') from the ground spaced at intervals not exceeding thirty feet (30').

(F) Maximum lot coverage: For all uses - fifty percent (50%).

(G) Maximum height: Thirty feet (30').

(H) Maximum floor area ratio: 0.3. (Ord. 77-O-14, 3-31-1977; amd. Ord. 90-O-42, 11-26-1990; amd. Ord. 97-O-05, 1-27-1997)

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Title 9 Zoning Regulations – Chapter 6D B-4 Highway and Service Business District

SECTION:

9-6D-1: Permitted Uses

9-6D-2: Special Uses

9-6D-3: Bulk Regulations

9-6D-1: PERMITTED USES:

Permitted uses in this district are:

Accessory uses, as permitted by chapter 12 of this title.

Automobile accessory stores.

Automobile and truck sales establishments, new and used, in association with new car sales.

Building material sales, not including outside storage.

Cartage and express facilities providing storage of goods, motor trucks or other equipment if in a completely enclosed building.

Exhibition halls.

Firearms store, except when located adjoining I-55 or Route 83.

Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.

Garages; public, where body repair and painting are incidental accessory uses, but not including automobile working yards.

Garages; storage.

Hotels and motels (minimum of 50 rooms).

Motorcycle and snowmobile sales and service, both new and used in conjunction with new sales.

Offices.

Plumbing, heating, air conditioning and electrical fixtures and equipment; showroom shops for domestic use only.

Theaters, indoor.

Truck sales, new and used in association with new truck sales.

Video gaming cafe.

Similar and compatible uses which are of the same general character as the above permitted uses.

Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 14-O-15, 3-24-2014; amd. Ord. 19-O-32, 11-25-2019)

9-6D-2: SPECIAL USES:

Special uses in this district are:

Equipment rentals, not including outside storage.

Fast food establishments.

Firing range, indoor.

Planned unit developments.

Radio and television broadcasting studios.

Restaurants and banquet halls, including musical entertainment and dancing.

Similar and compatible uses which are of the same general character as those allowed as special uses in the B-4 zoning district. Determination of whether a particular use constitutes a similar and compatible shall be made by the Village Administrator or his or her authorized designee. (Ord. 77-O-14, 3-31-1977; amd. Ord. 79-O-12, 4-9-1979; amd. Ord. 97-O-05, 1-27-1997; amd. Ord. 14-O-15, 3-24-2014; amd. Ord. 19-O-32, 11-25-2019)

9-6D-3: BULK REGULATIONS:

All uses in this district must meet the following requirements:

(A) Minimum lot area: Eighty seven thousand one hundred twenty (87,120) square feet (2 acres).

(B) Minimum lot width: Three hundred feet (300').

(C) Minimum lot depth: Two hundred fifty feet (250').

(D) Required setbacks are:

1. A minimum front yard of one hundred feet (100');

2. A minimum interior side yard of forty feet (40');

3. A minimum exterior side yard of sixty feet (60');

4. A minimum rear yard of forty feet (40'); and

5. A minimum transition yard along any lot line adjoining a residential district of not less than one hundred feet (100') in depth measured from such district line. Screening shall be provided within all transition yards to protect on a year-round basis the privacy of the adjoining residential district. Said screening shall as a minimum consist of a six foot (6') earthen berm planted with overstory trees not less than three inches (3") in caliper measured one foot (1') from the ground spaced at intervals not exceeding thirty feet (30'). If the adjoining residential use is separated from the non-residential use by a public street right-of-way, said screening as a minimum shall consist of a three foot (3') high earthen berm densely planted with evergreen trees or shrubs (so as to achieve a 6 foot screening effect) and planted with overstory trees not less than three inches (3") in caliper measured one foot (1') from the ground spaced at intervals not exceeding thirty feet (30').

(E) Maximum height: A maximum height of thirty five feet (35').

(F) Maximum floor area ratio: A maximum floor area ratio of 0.3.

(G) Maximum lot coverage: For all uses - fifty percent (50%). (Ord. 77-O-14, 3-31-1977; amd. Ord. 79-O-12, 4-9-1979; amd. Ord. 90-O-42, 11-26-1990; amd. Ord. 97-O-05, 1-27-1997)

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LAW AND ORDINANCES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET

DISCUSS – Title 6 Chapter 1 – Food Adulteration

COMMITTEE REVIEW

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

Meeting Date: 03/08/21

- | | |
|--|---|
| <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:

Chairperson Neal was recently reviewing the Village Code. She would like the Committee to provide feedback to staff regarding potential areas for updates and enhancements as it pertains to Title 6 Chapter 1 – Food Adulteration. Much of the working within the code section dates to 1961. Chairperson Neal would like to take this opportunity to review the code and recommend enhancements to the code to bring the language closer to current industry standards and best practices.

STAFF RECOMMENDATION:

Staff is seeking feedback on areas of the code that the Committee views as possible areas for enhancement and areas of the code that the Committee would like to keep due to their uniqueness to the Village of Willowbrook.

Title 6 Chapter 1 – Food Adulteration – Current Code

SECTION:

6-1-1: Definitions

6-1-2: Misbranding

6-1-3: Insufficient Labeling

6-1-4: Labels

6-1-5: Compounds

6-1-6: Preservatives And Coloring Matter

6-1-7: Standards

6-1-8: Inspection Of Food

6-1-9: Samples, Selection

6-1-10: Refusal To Assist Inspector

6-1-11: Sale Of Adulterated, Misbranded Food

6-1-1: DEFINITIONS:

ADULTERATION: For the purpose of this title, an article shall be deemed to be adulterated:

(A) In case of confectionery, if it contains terra alba, barytes, talc, chrome-yellow, paraffin, mineral fillers, poisonous color or flavor, any ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

(B) In case of food:

1. If any substance has been mixed or packed with it so as to reduce or injuriously affect its quality, strength or purity.
2. If any substance has been substituted wholly or in part for the article.
3. If any valuable constituent of the article has been wholly or in part abstracted; provided, that in the manufacture or processing of skimmed milk or separated cheese, the whole or part of the butter fats in the milk may be abstracted.
4. If it be mixed, colored, powdered, coated, polished or stained in any manner whereby damage or inferiority is concealed or the article is made to appear better or of greater value than it really is.
5. If it contains any added poisonous or otherwise deleterious ingredient which may render such article injurious to health.

6. If it consists in whole or in part of a filthy, infected, tainted or decayed animal or vegetable substance or any portion of any animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or one that has died otherwise than by slaughter.

FOOD: The term "food" as used in this title shall include every article used for food or drink by man or animals, whether simple or compounded, and any substance used as a constituent in the manufacture thereof.

MISBRANDED: The term "misbranded" as used herein, shall apply to all articles of food or drink the packages or labels of which shall bear any statement, design or device regarding such article or the ingredients or substance contained therein which is false or misleading in any particular; it shall also apply to any such products which are falsely branded as to the manufacturer, packer or dealer who sells the same, or as to the State, territory or country in which it is manufactured or produced. (Ord. 61-O-44, 1961)

6-1-2: MISBRANDING:

For the purpose of this chapter, an article shall be deemed to be misbranded:

(A) If it be an imitation of or offered for sale under the name of another article.

(B) If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up have been removed, in whole or in part, and other contents substituted.

(C) If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device is false or misleading in any particular.

(D) If the grade or quality of articles of food be falsely represented. The terms, double, triple, etc., shall mean two (2) or three (3) times, respectively, the food value required by standard. (Ord. 61-O-44, 1961)

6-1-3: INSUFFICIENT LABELING:

An article shall be deemed to be insufficiently labeled if the package, bottle or container does not bear the name of the real manufacturer or jobber, the true grade or class of the product, and the true net weight or volume of the contents or the capacity or trade size of the container. (Ord. 61-O-44, 1961)

6-1-4: LABELS:

The label on any bottle, package or container of food, as defined herein shall correspond in size and content with that required by State or Federal law. It shall be unlawful to deface, change, erase or remove, with intent to mislead or deceive, any mark, label or brand required by law. (Ord. 61-O-44, 1961)

6-1-5: COMPOUNDS:

Compounds shall be labeled with the true name of the ingredients, as "Cane and Maple Syrup", etc., and the ingredient which predominates shall be named first. (Ord. 61-O-44, 1961)

6-1-6: PRESERVATIVES AND COLORING MATTER:

Standard preservatives are salt, sugar, vinegar, spices and their essential oils, wood smoke, edible oils and fats, and alcohol.

The use, in food products, of any other preservative, antiseptic substance or coloring matter, or of any substance which preserves or enhances the natural color of a food product, is prohibited:

(A) If it is poisonous or injurious to health, under the conditions of its use in foods. Among such substances are fluorides, betanaphthol, formaldehyde, salts of copper, salicylic acid and its salts, boric acid and its salts, sulphurous acid and its salts, benzoic acid and its salts, saccharine and sodium sulphite. The use of one-tenth of one percent (0.1%) of benzoate of soda is allowed if the amount is clearly stated on bottle or label.

(B) If it is not one of the harmful vegetable colors or coal tar colors permitted and approved by the United States Department of Agriculture or by State Statute.

Coloring matter, when added to any article of food (except butter, cheese and confectionery) shall be clearly indicated on the front of the packages by the words, "Artificially Colored", "Vegetable Coloring", etc. (Ord. 61-O-44, 1961)

6-1-7: STANDARDS:

The standards and requirements relating to the making, labeling and sale of butter, renovated butter, oleo margarine, cheese, lard compounds, lard substitutes, imitation extracts, jellies, jams and all other articles of food sold or offered for sale in the Village shall, unless otherwise provided for by ordinance, conform to such standards and requirements as are prescribed by the State Dairy and Food Laws and amendments thereto. (Ord. 61-O-44, 1961)

6-1-8: INSPECTION OF FOOD:

The Village or any inspector or agent thereof and any other official of the Village shall have power and authority to open any package, can or vessel containing or supposed to contain any article manufactured, sold or exposed for sale, or held in possession with intent to sell, in violation of the provisions of this chapter, and may inspect the contents thereof and may take samples therefrom for analysis. All parties offering food products for sale shall render to such officers all the assistance in their power, when so requested, in disclosing the presence of any article prohibited by law, and in selecting samples of food products as hereinafter provided. (Ord. 61-O-44, 1961; amd. Ord. 84-O-30, 6-25-1984)

6-1-9: SAMPLES, SELECTION:

The inspector or officer of the Village taking such samples as are provided for in this chapter shall, in case of bulk or broken package goods, upon request of the dealer, divide the same into two (2) equal parts, as nearly as may be, and in case of sealed and unbroken packages, he shall select two (2) of said packages, which two (2) said packages shall constitute the sample taken, and to properly identify the same, he shall, in the presence of the person from whom the same is taken, mark or seal each half or part or package of such sample with a paper seal or otherwise and shall write his name on each part of said sample and also write thereon the date and name of the dealer in whose place of business the sample is found, and at the same time shall give notice to the person from whom said sample was taken, that said sample was obtained for the purpose of chemical examination. One part of said sample shall be taken by the person so procuring the same to an analytical chemist or other competent person appointed for the purpose of making examination or analysis of samples so taken. The person taking such sample shall pay or tender to the person from whom it is taken the value of that part thereof so retained; the other part of said sample shall be delivered to the person from whom said sample is taken. (Ord. 61-O-44, 1961; amd. Ord. 84-O-30, 6-25-1984)

6-1-10: REFUSAL TO ASSIST INSPECTOR:

It shall be unlawful for any person, his agent, employee or servant to hinder, obstruct or in any way interfere with any inspector or officer of the Village in the performance of his duty or in the exercise of his powers as defined herein, or refuse or fail upon request to assist such inspector or officer in tracing, finding or disclosing the presence of any article of food prohibited by law and in securing samples thereof as provided for in this chapter. (Ord. 61-O-44, 1961; amd. Ord. 84-O-30, 6-25-1984)

6-1-11: SALE OF ADULTERATED, MISBRANDED FOOD:

It shall be unlawful for any person within the Village to manufacture for sale, produce, offer for sale or sell any drug or article of food which is adulterated, misbranded or insufficiently labeled within the meaning of this chapter. (Ord. 61-O-44, 1961)

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LAW AND ORDINANCES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET

DISCUSS – Title 6 Chapter 4 – Grocery Stores

COMMITTEE REVIEW

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

Meeting Date: 03/08/21

- | | |
|--|---|
| <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:

Chairperson Neal was recently reviewing the Village Code. She would like the Committee to provide feedback to staff regarding potential areas for updates and enhancements as it pertains to Title 6 Chapter 4 – Grocery Stores. Much of the working within the code section dates to 1961 and 1975. Chairperson Neal would like to take this opportunity to review the code and recommend enhancements to the code to bring the language closer to current industry standards and best practices.

STAFF RECOMMENDATION:

Staff is seeking feedback on areas of the code that the Committee views as possible areas for enhancement and areas of the code that the Committee would like to keep due to their uniqueness to the Village of Willowbrook.

Title 6 Chapter 4 – Grocery Stores – Current Code

SECTION:

6-4-1: Definitions, Classification

6-4-2: License

6-4-3: License Fee

6-4-4: Unwholesome Foods

6-4-5: Misrepresentation

6-4-6: Price Labeling

6-4-7: Unwholesome Meat; Confiscation

6-4-8: Slaughterhouses Prohibited

6-4-9: Killing Certain Animals

6-4-10: Diseased, Improperly Killed Cattle

6-4-11: Immature Animals

6-4-12: Destruction Of Condemned Animals

6-4-13: Inspection Of Meat

6-4-14: Condition Of Meat Markets

6-4-15: Stables And Coops

6-4-16: Sanitary Condition Of Foods, Premises

6-4-17: Inspection Of Foods, Premises

6-4-18: Confiscation Of Unwholesome Foods

6-4-19: Sanitation Of Food Establishments

6-4-20: Cleanliness, Food Establishments

6-4-21: Protection From Flies

6-4-22: Sanitary Toilets, Lavatories

6-4-23: Unsanitary Conditions

6-4-24: Sleeping In Food Shops

6-4-25: Employment Of Diseased Persons

6-4-26: Sanitary Protection Of Foods

6-4-27: Covering Of Bread

6-4-28: Cooked Or Prepared Foods Peddled On Streets

6-4-29: Peddling Meat, Fish Or Poultry

6-4-30: Substitutes For Butter

6-4-31: Fowls For Sale

6-4-32: Dogs In Meat Markets

6-4-1: DEFINITIONS, CLASSIFICATION:

"Food dealers", as defined herein, shall include establishments selling or offering for sale at retail any and all sorts of food products, including nonalcoholic beverages, intended for human consumption, where the same are not to be consumed on the premises. For the purposes of this chapter, such establishments shall be classified and defined as follows:

GROCERY: An establishment for the retail sale of any or all food products, except raw, fresh or frozen meats, fish, poultry and game, whether conducted on the "self-help" basis or not. This definition includes also delicatessen shops and fruit and vegetable stores.

MEAT MARKET: An establishment for the retail sale of raw, fresh or frozen meats, fish, poultry or game. (Ord. 61-O-44, 1961)

6-4-2: LICENSE:

No person shall engage in the business of operating any meat market or grocery in the Village without first obtaining a license therefor. Application for such license shall be made to the Village Clerk. (Ord. 61-O-44, 1961)

All food dealers, whether permanently located within the Village or transient shall be and hereby are required to obtain a license from the Village prior to selling, distributing or otherwise retailing food products. A license fee shall be charged annually per unit. A "unit" as herein used shall be defined as any single dwelling within the Village limits. Each vehicle for transient food retailers shall be considered a separate unit. (Ord. 68-O-1, 2-26-1966)

6-4-3: LICENSE FEE:

The annual license fee for the operation of a meat market, grocery store or as a food dealer unit shall be as set forth in section [3-1A-1](#) of this Code. Provided, however, that any person desiring to conduct at the same location both a grocery and a meat market may obtain a license therefor upon payment of a single fee. (Ord. 61-O-44, 1961; amd. Ord. 68-O-1, 2-26-1966; Ord. 75-O-41, 12-17-1975)

6-4-4: UNWHOLESOME FOODS:

No meat, fish, birds, fowls, vegetables, milk, fruit or food of any kind which is not healthy, fresh, sound, wholesome and safe for human food shall be brought within the Village or offered or held for sale as such food, or be kept or stored anywhere in the Village. (Ord. 61-O-44, 1961)

6-4-5: MISREPRESENTATION:

No meat, fowl, fish, vegetable, fruit, milk, beverage or other substance used for human consumption shall knowingly be bought, sold, held, offered for sale, labeled or any representation made in respect thereof, under a false name or quality as respects wholesomeness, soundness or safety for food or drink. (Ord. 61-O-44, 1961)

6-4-6: PRICE LABELING:

Except as otherwise provided herein, each meat market, grocery, or other establishment offering beverages or food for sale at retail shall cause any item offered for sale therein to be marked with the price thereof in Arabic numerals so that the price can easily be read by customers of each such establishment. The following items are excluded from the requirements hereof:

- (A) Identical items with a multipack package which is properly price marked.
- (B) Single cigars and single packages of cigarettes.
- (C) Candy, gum and other confectionery items selling for fifty cents (\$0.50) or less.
- (D) Items sold from vending machines. (Ord. 79-O-13, 4-9-1979)
- (E) Items marked by means of a "bar-code" for electronic price scanning, where such establishment utilizes electronic price scanning and has clearly marked the price of such items in Arabic numerals on the shelves, bins or other displays of such items so that the price can easily be read by customers of such establishment. (Ord. 90-O-27, 5-14-1990)

6-4-7: UNWHOLESOME MEAT; CONFISCATION:

No person shall expose for sale in any market house or elsewhere in the Village, any unwholesome, tainted or putrid meat or provisions. It shall be the duty of the Health Committee of the Village, through or by its agents or employees, to forthwith seize and confiscate all such meats and provisions. (Ord. 61-O-44, 1961)

6-4-8: SLAUGHTERHOUSES PROHIBITED:

No slaughterhouses shall be built or operated within the limits of the Village or within one mile thereof. (Ord. 61-O-44, 1961)

6-4-9: KILLING CERTAIN ANIMALS:

No person shall kill or dress for food, in the Village, any animal, other than fowls. All small game, fish, fowls and birds shall be kept, killed and dressed in the manner best adapted to secure and preserve their safety and wholesomeness as food. (Ord. 61-O-44, 1961)

6-4-10: DISEASED, IMPROPERLY KILLED CATTLE:

No flesh of diseased cattle or of cattle killed while in an overheated, feverish or diseased condition shall be brought into the Village for sale, and if discovered, the fact thereof and the place where such meat originated shall be at once reported by the owner or custodian thereof to the Health Committee for appropriate action. (Ord. 61-O-44, 1961)

6-4-11: IMMATURE ANIMALS:

No person shall bring into, hold, sell or offer for sale in the Village for human food, any calf, or the meat thereof, which, when killed, was less than four (4) weeks old; or any pig, or the meat thereof, which when killed, was less than five (5) weeks old; or any lamb, or the meat thereof, which, when killed, was less than eight (8) weeks old. (Ord. 61-O-44, 1961)

6-4-12: DESTRUCTION OF CONDEMNED ANIMALS:

All meat or emaciated cattle condemned in the Village by government or State meat inspectors shall be destroyed under the supervision and subject to the directions of the Health Committee of the Village, unless otherwise provided for by the regularly constituted authorities of the United States or the State; provided, however, that no cattle shall be killed within the Village limits. (Ord. 61-O-44, 1961)

6-4-13: INSPECTION OF MEAT:

No meat shall be offered for sale within the Village which has not been subject to regular inspection by the Bureau of Animal Industry of the United States Department of Agriculture, or in such other manner as is specified by law. (Ord. 61-O-44, 1961)

6-4-14: CONDITION OF MEAT MARKETS:

No meat or dead animals, except fowls, shall be taken to any public or private market for food until the same has been cooled (and all blood shall have ceased dripping therefrom) after its killing, nor until the entrails, head (unless the same be skinned), hide, horns and feet have been removed; nor shall gutfat or any unwholesome or offensive matter or thing be brought to or near any such market. (Ord. 61-O-44, 1961)

6-4-15: STABLES AND COOPS:

Every person operating or in charge of any stable or coop shall cause every place where any horses or other animals, chickens, geese, ducks, turkeys or other fowls may be, to be kept at all times in a clean and wholesome condition, and shall not allow any animals to be therein while infected with any disease which is contagious or pestilential among such animals. (Ord. 61-O-44, 1961)

6-4-16: SANITARY CONDITION OF FOODS, PREMISES:

Every person owning, leasing or occupying any room, stall, store or place where any meat, fish, fowl, vegetable or other substance designed or held for human food shall be stored, kept or offered for sale, shall put and keep such room, stall, store, place and premises, and its appurtenances, in a clean and wholesome condition; and every person having charge or being interested or engaged, whether as principal or agent, in the care of or in respect to the custody or

sale of any meat, fish, birds, fowls or vegetables designed or held for human food, shall put and preserve the same in a clean and wholesome condition, and shall keep all woodwork therein, save floors and counters, thoroughly painted, and the walls, floors and counters in a thoroughly clean condition. (Ord. 61-O-44, 1961)

6-4-17: INSPECTION OF FOODS, PREMISES:

Every person, whether owner, lessee or occupant, of any store, room, stall or premises where any meat, fish, fowl, vegetables, milk, fruit, beverage or other substance is held, sold or offered for sale for human consumption, shall allow the duly authorized inspectors or agents of the Village to enter into and to inspect said premises and said articles so held or offered for sale, and shall answer all reasonable questions asked by such inspectors or agents relating to the conditions thereof and of the premises where they are held or offered for sale. (Ord. 61-O-44, 1961; amd. Ord. 84-O-30, 6-25-1984)

6-4-18: CONFISCATION OF UNWHOLESOME FOODS:

Every inspector and agent of said Village who finds in any store, room, stall or other premises any meat, fish, poultry, birds, vegetables, beverage or other article held or offered for sale, which is putrid, decayed, poisoned, adulterated or infected and unfit for human food shall seize and confiscate the same forthwith. It shall be unlawful for any person, whether owner, operator or occupant of said store, room, stall or other premises to obstruct such entry or inspection or interfere with such seizure or confiscation. (Ord. 61-O-44, 1961; amd. Ord. 84-O-30, 6-25-1984)

6-4-19: SANITATION OF FOOD ESTABLISHMENTS:

Every building or enclosure or part thereof, occupied, used or maintained as a bakery, confectionery, delicatessen, grocery, meat market, creamery, cheese factory, hotel, restaurant, cannery, packing house, warehouse or manufacturing establishment for the preparation, manufacture, packing, storage, distribution or sale of any food shall be properly and adequately drained, lighted, plumbed and ventilated, and shall be conducted with strict regard to the influence of such conditions upon the health of all persons therein employed, and with strict regard to the purity and wholesomeness of the food therein produced, prepared, stored, distributed or sold. (Ord. 61-O-44, 1961)

6-4-20: CLEANLINESS, FOOD ESTABLISHMENTS:

No furniture, receptacle, implement or machinery used in any establishment where food intended for sale is produced, prepared, manufactured, stored, distributed or sold, and no portion of such buildings and no articles or vehicles used in the transportation of such food products shall at any time be kept or permitted to remain in an unclean, unhealthful or insanitary condition. For the purpose of this chapter, unclean, unhealthful or insanitary conditions shall be deemed to exist if such products are not at all times securely protected from flies, dust and dirt, and from all other foreign or injurious contamination, or if the refuse or waste products subject to the decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, transportation or distribution of such food are not removed daily, or if all receptacles, utensils or machinery used

in handling, moving or other processes are not thoroughly cleaned daily, or if the clothing or person of any person therein employed is unclean. (Ord. 61-O-44, 1961)

6-4-21: PROTECTION FROM FLIES:

All buildings or parts thereof used or maintained for the purpose of the manufacture, distribution or sale of food or food products shall be provided with proper doors and window screens adequate to prevent contamination of the food by flies. (Ord. 61-O-44, 1961)

6-4-22: SANITARY TOILETS, LAVATORIES:

All groceries, markets, restaurants and food factories shall be supplied with sanitary toilets and with sanitary lavatories with running water. Such toilets shall not open directly from any room in which food is prepared, exposed for sale or stored, shall have floors of nonabsorbent material which shall be washed daily, shall be furnished with separate ventilating flues and pipes discharging into open air and shall be lighted from the outside or provided with good and sufficient artificial light.

Lavatories and washrooms must be furnished with soap, running water and clean towels and be maintained in a sanitary condition. Clerks, employees, operators and all persons who handle the materials from which food is prepared or the finished products, before beginning work and after visiting the toilet shall wash their hands thoroughly in clean water. No person shall expectorate on food, utensils, floors or side walls in any such building or part thereof. (Ord. 61-O-44, 1961)

6-4-23: UNSANITARY CONDITIONS:

If any such building, factory or part thereof or if any such furniture, receptacles, implements, appliances or machinery or if any car, truck or vehicle used in the moving, distributing or transportation of any food product shall be constructed, kept, maintained or permitted to remain in a condition contrary to any of the requirements of this chapter, the same is hereby declared a nuisance. Whoever allows, maintains or permits to exist a nuisance as herein defined shall be guilty of a misdemeanor. (Ord. 61-O-44, 1961; amd. Ord. 84-O-30, 6-25-1984)

6-4-24: SLEEPING IN FOOD SHOPS:

No person shall sleep or be allowed to sleep in any room where food is manufactured, prepared for sale, served, sold or stored. (Ord. 61-O-44, 1961)

6-4-25: EMPLOYMENT OF DISEASED PERSONS:

No employer shall require or permit any person who is affected with any contagious or venereal disease to work, and no person so affected shall work in any building, factory or part thereof, or in any car, truck or vehicle used for the production, preparation, manufacture, packing, storage, sale, transportation or distribution of food. (Ord. 61-O-44, 1961)

6-4-26: SANITARY PROTECTION OF FOODS:

No fruits, vegetables, meats, sea food, confectionery or other articles kept, exposed or offered for sale for human food shall be displayed or stored on the sidewalk or outside any place of business, or in any open door or window, nor shall they be transported upon a public or private way, unless

such articles are covered by cases of glass, wood, metal, paper or other proper covering. No vegetables or fruit to be sold for human food shall be displayed or stored except in clean receptacles. No bakery or dairy food products or food prepared for immediate consumption, such as cooked meat, mince meat, pickles, sauerkraut, candy or similar products shall be displayed except in glass cases or under proper covers. Raw meats shall be kept in a strictly sanitary condition. No fruits, vegetables, meats, sea foods, confectionery or other articles kept or offered for sale for human food shall be stored or displayed in any store unless such fruit, vegetables, meats, sea foods, confectionery, etc., are placed on a raised platform, elevated above the floor level or otherwise suitably protected from contamination from the floor and the refuse thereon. (Ord. 61-O-44, 1961)

6-4-27: COVERING OF BREAD:

All bread and other bakery goods sold or offered for sale as human food shall at all times be so placed, kept or covered that they shall be exposed to the minimum chance of contamination. (Ord. 61-O-44, 1961)

6-4-28: COOKED OR PREPARED FOODS PEDDLED ON STREETS:

No cooked or prepared foods such as salads, pickles, mince meat, horseradish, relishes, bakery goods, confectionery, and similar products shall be sold, offered for sale or peddled upon any street unless such foods are in individual packaged form, properly labeled and sealed at the shop or place where prepared. (Ord. 61-O-44, 1961)

6-4-29: PEDDLING MEAT, FISH OR POULTRY:

No person shall sell, offer for sale or peddle on the streets or alleys of the Village any fresh meat, fish, sea foods, poultry or game. (Ord. 61-O-44, 1961)

6-4-30: SUBSTITUTES FOR BUTTER:

No person shall sell or have in his possession for the purpose of sale any compound containing any grease or fatty substance whatever, except butter, which is used or may be used as a substitute for butter, unless the container thereof shall have clearly and durably marked thereon in the English language the word "oleomargarine", the word "butterine", the words "butter substitute" or the words "imitation butter" in printed letters in plain Roman type not less than three-fourths of an inch ($\frac{3}{4}$ ") in height. (Ord. 61-O-44, 1961)

6-4-31: FOWLS FOR SALE:

No live fowl intended for sale shall be kept in any basement or cellar or under any sidewalk. Places where such fowls are killed shall have cement floors with properly trapped sewer connections. Such floors shall be thoroughly washed after each killing and at all times kept and maintained in a clean and sanitary condition. (Ord. 61-O-44, 1961)

6-4-32: DOGS IN MEAT MARKETS:

No owner of or person having the care or custody of any dog shall permit such dog to enter or remain in any store, meat market, bakery or other place where foodstuffs are sold or on display. (Ord. 61-O-44, 1961)

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

DISCUSS – Title 6 Chapter 5 – Restaurants

COMMITTEE REVIEW

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

Meeting Date: 03/08/21

- | | |
|--|---|
| <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:

Chairperson Neal was recently reviewing the Village Code. She would like the Committee to provide feedback to staff regarding potential areas for updates and enhancements as it pertains to Title 6 Chapter 5 – Restaurants. Much of the working within the code section dates to 1961. Chairperson Neal would like to take this opportunity to review the code and recommend enhancements to the code to bring the language closer to current industry standards and best practices.

Chairperson Neal has concerns that this code section focus is only Inspections, Samples and License Fees. The concept of drive thru restaurants was a relatively new concept since the age of most of the code section dates to 1961 This code section does not cover the operation and/or location of drive-thru restaurants. Additionally, the code section does not address the residential impact for abutting residential properties. Areas that the Committee may wish to incorporate within this code section are affects to residential home value, noise, odor, traffic, pedestrian safety, and vehicle fumes.

Currently the Village utilizes regulations and procedures found in Title 9 Zoning Regulations as it pertains to considerations for special use permits for drive thru restaurants.

Chairperson Neal has provided suggested changes that she would like the Committee to investigate. Also included is a current copy of Title 6 Chapter 5 – Restaurants for your review and use.

STAFF RECOMMENDATION:

Staff is seeking feedback on areas of the code that the Committee views as possible areas for enhancement and areas of the code that the Committee would like to keep due to their uniqueness to the Village of Willowbrook.

Title 6 Chapter 5- Restaurants - Current Code

SECTION:

6-5-1: Definition

6-5-2: License, Application

6-5-3: License Fees

6-5-4: Sanitation

6-5-5: Inspection, Samples

6-5-6: Refrigerators

6-5-7: Poisonous Cleansing Agents

6-5-8: Protection Of Food

6-5-1: DEFINITION:

For the purposes of this chapter, the term "restaurant" shall mean any establishment wherein refreshments, whether food or drink, are sold and served to the public for consumption on the premises, including, but without limitation thereto, lunchrooms, cafeterias, ice cream parlors, soft drink parlors, soda fountains and retail drugstores serving counter lunches and drinks. (Ord. 61-O-44, 1961)

6-5-2: LICENSE, APPLICATION:

No person shall conduct or operate a restaurant within the Village without first obtaining a license so to do. Application for such license shall be made to the Village Clerk. (Ord. 61-O-44, 1961)

6-5-3: LICENSE FEES:

The annual fee for restaurants, which shall cover all inspections of the premises, shall be as set forth in section 3-1A-1 of this Code. (Ord. 61-O-44, 1961; amd. Ord. 75-O-41, 12-17-1975; Ord. 84-O-30, 6-25-1984)

6-5-4: SANITATION:

Every keeper of a restaurant shall at all times keep the premises wherein such restaurant is located clean and in a proper hygienic and sanitary condition; all utensils, appliances, vessels, receptacles, refrigerators, pantries, rooms and any other place or thing whatsoever which is used for the purpose of storage, preparation, cooking or serving of foods, shall at all times be kept in a clean, wholesome and sanitary condition; no decayed, unwholesome or impure food of any kind whatsoever shall be kept, sold, offered for sale or served in any such restaurant. (Ord. 61-O-44, 1961)

6-5-5: INSPECTION, SAMPLES:

The Village shall, from time to time, cause the examination and inspection of all premises wherein restaurants are conducted, for the purpose of ascertaining whether the provisions hereof and the laws of the State relative to the keeping of restaurants are being complied with, and shall cause all such Code provisions and laws to be strictly enforced. Every keeper of a restaurant shall permit such inspections to be made, and when required, shall, on receiving payment therefor, furnish samples of any foods kept, sold, offered for sale or served in such restaurant, which samples shall be examined or analyzed by or under the direction of the Village; a record of each such examination or analysis shall be made and kept on file in the Village office. (Ord. 61-O-44, 1961; amd. Ord. 84-O-30, 6-25-1984)

6-5-6: REFRIGERATORS:

Refrigerators in all restaurants and other food dispensers' establishments shall be lined with impervious, nonabsorbent material and adequately drained by indirect or broken connection with the sewer, and there shall be separate compartments for keeping such food materials as may unfavorably affect each other if kept together. Scrupulous cleanliness shall be maintained at all times. (Ord. 61-O-44, 1961)

6-5-7: POISONOUS CLEANSING AGENTS:

No person operating or conducting any restaurant or other food dispensing establishment shall use any ingredient or substance containing any sodium cyanide, oxalic acid, mercuric compound or other poisonous substance for the cleaning of nickel, copper, silverware, silver plated ware or other articles or utensils used for the service or preparation of food or foodstuffs. (Ord. 61-O-44, 1961)

6-5-8: PROTECTION OF FOOD:

All food which is received and which is intended to be used and prepared for human consumption, upon being received by any person in any food dispensing establishment, shall be adequately protected from dust, flies, vermin and insects. (Ord. 61-O-44, 1961)

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Proposed Code Additions for Discussion:

APPLICABILITY: This section applies to an accessory use to a principal use such as a bank or fast-food restaurant, designed to enable customers in parked vehicles to transact business with persons inside of the principal building.

PURPOSE AND INTENT: Products of the automobile age, drive-through facilities have become a common amenity for a specific range of uses, including banks, freestanding drug stores, and fast-food restaurants. A well designed drive-through on a parcel with adequate area can be convenient for motorists and have minimal impact upon the streetscape and pedestrians.

Conversely, a poorly designed drive-through on a parcel of inadequate size can cause problems with traffic circulation and create areas that are hostile to the pedestrian. Moreover, drive-throughs have the potential to generate undesirable impacts for adjacent properties such as odors from vehicle exhaust and noise from engines, car stereos, and menu board speakers. The purpose and intent of this section is to establish appropriate standards which allow for the typical range of activities while ensuring public safety and mitigating the associated impacts.

ESTABLISHMENT: Drive-through facility or use with drive-through service uses shall be allowed as provided in the Matrix: Use Permissions and Parking Requirements and shall comply with the development standards of the zoning district, the general development standards and this section.

MINIMUM STACKING REQUIREMENTS:

A. Restaurants and retail establishments, such as drug stores, pharmacies, or beverage stores, shall provide not less than five* stacking places at or behind the menu board

B. Financial institutions shall provide not less than three stacking places* at or behind the pneumatic tube for drive-through

C. Drive-thru stacking lanes shall be delineated from other vehicular areas by means of a landscape divider median. Stacking lanes may include part of the drive aisles in a parking area.

PEDESTRIAN CONNECTIONS:

A. Drive-thru lanes that obstruct the pathway between parking areas and entries into the building shall be designed with a pedestrian crossing that is delineated by landscaping, curbing, raised or decorative pavement and signage.

B. Where a drive-thru lane intersects a public or private sidewalk, the sidewalk pavement shall be continuing through the driveway to clearly delineate the pedestrian network. The maximum width of a driveway shall be 24 feet at the intersection of a public sidewalk.

SPEAKER BOX: No drive-thru speaker shall be oriented to face a single-family residential use or neighborhood zoning district.

HOURS OF OPERATION: When the drive-through facility abuts a residential use or neighborhood zoning district, drive-through services shall be prohibited between the hours of 12:00 a.m. and 6:00 a.m. weekdays and between 1:00 a.m. and 6:00 a.m. on Saturday and Sunday. This prohibition shall apply to any drive-through facility operating after (insert date), except those facilities that were, on that date, and continue to be, operating during the prohibited hours. Any drive-through facility that was legally operating during the prohibited hours on (INSERT DATE) and ceases such operation for any period of time shall, thereafter, comply with this requirement that drive-through services are prohibited during certain hours.

LOCATION: Drive-through facilities shall be located to take advantage of the first available alternative in the following prioritized list:

APPLICABILITY: This section applies to an accessory use to a principal use such as a bank or fast-food restaurant, designed to enable customers in parked vehicles to transact business with persons inside of the principal building.

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LOCATION:

Drive-through facilities shall be located to take advantage of the first available alternative in the following prioritized list:

Interior side or rear yard when the either yard abuts a non-residential use.

Street or side yard when the interior side and rear yard abut an existing residential use or a neighborhood zoning district, or when abutting a non-residential use, the interior side and rear yard are impractical due to the lot's physical constraints or concerns regarding vehicle and pedestrian safety

LIGHTING:

Lighting shall be SHIELDED in accordance with the general development standards for lighting.

LAW AND ORDINANCES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET

DISCUSS – Title 2 – Boards and Commissions

COMMITTEE REVIEW

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

Meeting Date: 03/08/21

- | | |
|--|---|
| <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:

Chairperson Neal was recently reviewing the Village Code. She would like the Committee to provide feedback and consideration as to the following code reorganization:

Title 2 currently lists the following Boards and Commissions:

- Chapter 1 - Emergency Management Services and Disaster Agency
- Chapter 2 - Board of Local Improvements
- Chapter 3- Parks and Recreation Commission
- Chapter 4 - Board of Police Commissioners
- Chapter 5 - Police Pension Fund and Board of Trustees

Whereas the Plan Commission creation, membership and criteria is in Title 9 Zoning Regulation Chapter 14-1.4: Plan Commission.

Chairperson Neal is requesting a discussion to consider the reorganization of the Plan Commission creation, membership and criteria to be relocated to Title 2 Boards and Commissions.

STAFF RECOMMENDATION:

Staff is seeking feedback on this subject. Upon direction staff would work with the Village attorney on any recommended changes for text amendments and future Village Board consideration

2-1-12: OFFICE:

The President and the Board of Trustees are authorized to designate space in a Village building, or elsewhere, as may be provided for by the President and the Board of Trustees for the Village EMA as its office. (Ord. 94-O-08, 3-28-1994)

CHAPTER 2

BOARD OF LOCAL IMPROVEMENTS

SECTION:

2-2-1: Appointments

2-2-2: General Duties

2-2-1: APPOINTMENTS:

There is hereby established the Board of Local Improvements for the Village, which shall consist of the President and all the members of the Board of Trustees. (Ord. 67-O-6, 3-27-1967)

2-2-2: GENERAL DUTIES:

The Board of Local Improvements shall have the powers and perform the duties assigned to it by statute or ordinance. (Ord. 67-O-6, 3-27-1967)

CHAPTER 3

PARKS AND RECREATION COMMISSION

SECTION:

2-3-1: Creation

2-3-2: Purpose

2-3-3: Members And Terms

2-3-4: Chairperson

2-3-5: Meetings

2-3-6: Public Participation

2-3-7: Organization; Records

2-3-8: Powers And Duties

2-3-9: Quorum; Vote Required

2-3-1: CREATION:

There is hereby created a Willowbrook Parks and Recreation Commission. (Ord. 75-O-28, 8-11-1975)

2-3-2: PURPOSE:

The Willowbrook Parks and Recreation Commission shall exist for the purpose of advising the President and Board of Trustees of the Village on all matters relating to the planning, acquisition and development of parks and recreational facilities for the use and enjoyment of the residents. (Ord. 75-O-28, 8-11-1975)

2-3-3: MEMBERS AND TERMS:

Effective on May 1, 2018, the Willowbrook Parks and Recreation Commission shall consist of seven (7) members who shall be residents of the Village. All members shall serve a term of two (2) years or until their successors are appointed and qualified. All such members shall serve without compensation. Appointments to the Willowbrook Parks and Recreation Commission shall be made by the Village President with the advice and consent of the Board of Trustees.

Effective May 1, 2018, three (3) appointments to the commission shall be made so that the terms of those three (3) members of the commission shall expire on April 30 of even numbered years and the terms of the remaining four (4) members of the commission shall expire on April 30 of odd numbered years. Members of the commission shall be selected on the basis of their interest and recreational needs and activities of all residents of the Village of Willowbrook. (Ord. 18-O-10, 4-9-2018)

2-3-4: CHAIRPERSON:

The President shall, with the advice and consent of the Board of Trustees, appoint one of the members of the commission as the Chairperson thereof. Such member shall serve as Chairperson for the balance of his term as a member of the commission.

The Chairperson of the Willowbrook Parks and Recreation Commission shall be the Chairperson for all meetings of said commission and make such reports to the President and Board of Trustees of the Village as may from time to time be requested. (Ord. 75-O-28, 8-11-1975)

2-3-5: MEETINGS:

Prior to January 1 of each year during which the commission is in operation, the commission shall cause to be published in a newspaper having a general circulation within the Village of Willowbrook, a list of those dates on which the commission shall conduct its meetings during the forthcoming year. Such notice shall state the time and location of all regularly scheduled meetings of the commission. Regularly scheduled meetings shall be conducted not less frequently than once a month. Regularly scheduled meetings may be rescheduled and special meetings may be called in the same manner provided by statute for Municipal governments. (Ord. 75-O-28, 8-11-1975)

2-3-6: PUBLIC PARTICIPATION:

The commission shall, in the course of discharging its responsibilities under this ordinance, solicit opinions and suggestions from all interested citizens and groups including all appropriate local school boards, homeowners' groups, fire protection districts and other private and governmental bodies. (Ord. 75-O-28, 8-11-1975)

2-3-7: ORGANIZATION; RECORDS:

The members of the commission shall, at their regularly scheduled meeting in May of each year, elect a Vice Chairperson and such other officers as they may deem necessary. The term of such offices shall be for one year and until their successors are appointed and qualified. The commission shall keep written records of its proceedings, which records shall at all times be open for inspection. (Ord. 75-O-28, 8-11-1975)

2-3-8: POWERS AND DUTIES:

The Willowbrook Parks and Recreation Commission shall have powers and duties as the Board may from time to time determine. The initial powers and duties of the commission shall be as follows:

(A) To recommend to the President and Board of Trustees plans and programs utilizing the various parks and recreation facilities of the Village.

(B) To recommend to the President and Board of Trustees recreation programs which do not involve the utilization of the parks and recreation facilities of the Village.

(C) To recommend to the President and Board of Trustees the acquisition of facilities to be used for parks and recreation purposes.

(D) To recommend to the President and Board of Trustees plans for the development of facilities acquired by the Village for parks and recreation purposes.

(E) To make recommendations to the President and Board of Trustees of the Village with respect to the maintenance of the parks and recreation facilities of the Village.

(F) To comment to the President and Board of Trustees, by January 31 of each year, on the proposed annual budget for parks and recreation facilities within the Village.

(G) To serve as coordinator in parks and recreation affairs between Village, schools and other interested organizations and activities with the Village. (Ord. 75-O-28, 8-11-1975)

2-3-9: QUORUM; VOTE REQUIRED:

Four (4) members of the commission shall constitute a quorum for the conduct of official business. The concurrence of a majority of the members present at any meeting shall be required to make any recommendation or take any action. (Ord. 99-O-01, 1-11-1999)

CHAPTER 4

BOARD OF POLICE COMMISSIONERS

SECTION:

2-4-1: Creation; Terms

2-4-2: Appointment; Vacancies

2-4-3: First Appointments

2-4-4: Chairman; Secretary; Quorum

2-4-5: Qualifications; Oath; Bond; Removal

2-4-6: Powers; Duties

2-4-7: Secretary Of Board; Duties; Seal

2-4-8: Chief Of Police; Appointment By Village President With Advice And Consent Of Board Of Trustees

2-4-9: Compensation Of Members Of Board

2-4-10: Attorney For Board

2-4-11: Deputy Chiefs; Appointment; Removal

2-4-1: CREATION; TERMS:

There is hereby created a Board of Police Commissioners which shall consist of three (3) members, whose terms of office shall be

three (3) years and until their respective successors are appointed and have qualified, except as provided in section 2-4-3 of this chapter. (Ord. 82-O-49, 10-11-1982)

2-4-2: APPOINTMENT; VACANCIES:

The Board of Police Commissioners shall be appointed by the President, with the consent of the Board of Trustees. No such appointment, however, shall be made by the President within the thirty (30) days before the expiration of his term of office.

Vacancies on the Board of Police Commissioners shall be filled in the same manner as herein provided. (Ord. 82-O-49, 10-11-1982)

2-4-3: FIRST APPOINTMENTS:

Within thirty (30) days after this chapter becomes effective, the President shall appoint the first members of the board. One of the members shall be appointed to serve until the end of the current Municipal fiscal year, another to serve until the end of the Municipal fiscal year next ensuing, and the third to serve until the end of the Municipal fiscal year second next ensuing, but every member shall serve until his successor is appointed and has qualified. (Ord. 82-O-49, 10-11-1982)

2-4-4: CHAIRMAN; SECRETARY; QUORUM:

The board members shall elect from its membership a Chairman and Secretary to serve during the Municipal fiscal year. In addition, the board may employ such clerical staff as may be reasonably necessary to assist the board in fulfilling its duties. A majority of the board constitutes a quorum for the conduct of all business. (Ord. 82-O-49, 10-11-1982)

2-4-5: QUALIFICATIONS; OATH; BOND; REMOVAL:

The members of the board shall be considered officers of the Village, and shall file an oath and a fidelity bond in such amount as may be required by the President and Board of Trustees of the Village. No person holding an appointive or elective office within any municipality shall be a member of the Board of Police Commissioners or the Secretary thereof. The acceptance of any such office by a member of the board shall be treated as a resignation of his office as a member of the board or the Secretary thereof. No person shall be appointed a member of the Board of Police Commissioners who is related, either by blood or marriage, up to the degree of first cousin, to any elected officer, or any police officer of the Village. No more than two (2) members of the board shall belong to the same political party existing in the Village at the time of such appointments and as defined in 10 Illinois Compiled Statutes 5/10-2 of the Election Code. If only one or no political party exists in the Village at the time of such appointments, then State or national political party affiliations shall be considered in making such appointments. Party affiliations shall be determined by an affidavit of the person appointed as a member of the board.

Members shall not be subject to removal, except for cause, upon written charges, and after an opportunity to be heard within thirty (30) days in his or their own defense, before a regularly or specially called meeting of the President and Board of Trustees of the Village. The majority vote of the President and Board of Trustees of the Village shall be required to remove any such member from office. (Ord. 82-O-49, 10-11-1982)

2-4-6: POWERS; DUTIES:

The Board of Police Commissioners shall have all the powers and authority, and shall perform such duties as are provided and set forth in 65 Illinois Compiled Statutes 5/10-2.1-4 and as detailed in subsection (A) of this section.

(A) The Board of Police Commissioners shall not make any original appointments or any promotional appointments in the Department of Police to fill vacancies therein until it has received a written resolution of the Village's Corporate Authorities requesting such action; further, the said resolution shall be effective upon its formal adoption by a majority vote of the Village's Corporate Authorities then holding office.

(B) The Board of Police Commissioners may provide for a system of weighing oral interview scores of patrol officer candidates predicated on a candidate's receipt of college credit for the completion of any of the following job related courses:

1. Law enforcement.
2. Public administration.
3. Social science.
4. Police science.
5. Criminal justice.
6. Forensic science.
7. Adolescent behavior. (Ord. 12-O-22, 9-24-2012)

2-4-7: SECRETARY OF BOARD; DUTIES; SEAL:

The Secretary of the board shall have all the powers and authority and shall perform such duties as are provided and set forth in 65 Illinois Compiled Statutes 5/10-2.1-4, including:

- (A) Keep the minutes of the board's proceedings;
- (B) Be the custodian of all records pertaining to the business of the board;
- (C) Keep a record of all examinations held;
- (D) Perform all other duties the board prescribes; and
- (E) Be the custodian of the seal of the board, if one is adopted, and the board is hereby authorized to adopt an official seal and then prescribe the form thereof by resolution of the board. (Ord. 82-O-49, 10-11-1982)

2-4-8: CHIEF OF POLICE; APPOINTMENT BY VILLAGE PRESIDENT WITH ADVICE AND CONSENT OF BOARD OF

TRUSTEES:

Pursuant to the authority contained in 65 Illinois Compiled Statutes 5/10-2.1-4 and 5/3-8-1, the President, with the advice and consent of the Board of Trustees, shall appoint the Chief of Police. Interviews of candidates for the Office of Chief of Police shall be conducted by a committee consisting of the members of the Corporate Authorities and the Village Administrator. The committee may have such person(s) assist in the conduct of the interview process as the committee deems appropriate. (Ord. 82-O-49, 10-11-1982; amd. Ord. 97-O-02, 1-13-1997)

The Chief of Police may be removed or discharged by the Village President. In such case, the Village President shall file with the Corporate Authorities the reason for such removal or discharge, which removal or discharge shall not become effective unless confirmed by a majority vote of the Corporate Authorities.

Prior or subsequent to the Corporate Authorities' confirmation of the discharge of the Chief of Police by the President of the Board of Trustees, said Chief may, at his election, request that a public hearing be conducted concerning the reason or reasons for his dismissal. Said public hearing shall in all respects conform to the requirements of due process and shall further, to the extent practicable, conform with the procedural rules and regulations set forth in title 12, chapter 2 of this Code, except that the Hearing Board which shall consider the request or appeal to the Chief of Police shall be all of the Corporate Authorities of the Village.

If a member of the Willowbrook Police Department is appointed Chief of Police prior to being eligible to retire on pension, he shall be considered as on furlough from the rank he held immediately prior to his appointment as Chief. If he resigns as Chief or is discharged as Chief prior to obtaining eligibility to retire on pension, he shall revert to and be established in such prior rank and thereafter be entitled to all the benefits and emoluments of such prior rank without regard as to whether a vacancy then exists in such rank. (Ord. 82-O-49, 10-11-1982)

2-4-9: COMPENSATION OF MEMBERS OF BOARD:

The President and Board of Trustees may fix the compensation to be paid to members of the board, but until the President and Board of Trustees make provision thereof, the members of the board shall serve without compensation. (Ord. 82-O-49, 10-11-1982)

2-4-10: ATTORNEY FOR BOARD:

The attorney for the Board of Police Commissioners shall be selected by the commission. (Ord. 14-O-02, 1-13-2014)

2-4-11: DEPUTY CHIEFS; APPOINTMENT; REMOVAL:

Pursuant to the authority contained in 65 Illinois Compiled Statutes 5/10-2.1-4, the position of Deputy Chief is hereby established, such position to be appointed by the Chief of Police. The Deputy Chief position shall be an exempt rank immediately below that of Chief of Police. Two (2) Deputy Chiefs may be appointed from any rank of sworn, full time officers of the Willowbrook Police Department, but must have at least five (5) years of full time service as a police officer in such department. The Deputy Chiefs shall serve at the discretion of the Chief of Police and, if removed from the position, shall revert to the rank held immediately prior to appointment to the Deputy Chief position. (Ord. 05-O-32, 11-14-2005)

CHAPTER 5**POLICE PENSION FUND - BOARD OF TRUSTEES****SECTION:****2-5-1: Police Pension Fund Established****2-5-2: Board Of Trustees****2-5-3: Appointed Trustees; Term, Vacancies****2-5-4: Elected Trustees; Election Procedure, Term, Vacancies****2-5-5: Meetings Of The Board****2-5-6: Officers Of The Board; Quorum****2-5-7: Powers, Duties****2-5-8: Compensation Of Members Of Board; Employment Of Pensioners****2-5-9: Membership In Police Pension Fund****2-5-10: Rules And Regulations****2-5-1: POLICE PENSION FUND ESTABLISHED:**

There is hereby established a Police Pension Fund in and for the Village in accordance with the provisions of 40 Illinois Compiled Statutes 5/3-101. (Ord. 83-O-32, 9-12-1983)

2-5-2: BOARD OF TRUSTEES:

There is hereby created a Board of Trustees of the Police Pension Fund of the Village ("board") composed of five (5) members to administer the Police Pension Fund and designate the beneficiaries thereof. (Ord. 03-O-34, 12-15-2003)

2-5-3: APPOINTED TRUSTEES; TERM, VACANCIES:

Two (2) members of the board shall be appointed by the Village President.

Within thirty (30) days after this chapter becomes effective, the Village President shall appoint two (2) members of the board for a

term to expire on the second Tuesday in May 1984. Thereafter, the Village President shall appoint one member of the board for a term of one year commencing on the second Tuesday in May 1984, and appoint the second member of the board for a term of two (2) years, commencing on the second Tuesday in May 1984.

The successors to any of the above appointed members of the board shall serve for a term of two (2) years. All appointed members of the board shall serve until their successors are appointed and qualified.

Upon the death, resignation or inability to act of any appointed member of the board, the Village President shall appoint a successor to fill the unexpired term of any such member. (Ord. 83-O-32, 9-12-1983)

2-5-4: ELECTED TRUSTEES; ELECTION PROCEDURE, TERM, VACANCIES:

Two (2) members of the board shall be elected from the regular police force by the active members thereof. One member of the board shall be elected by and from the beneficiaries of the Police Pension Fund.

Within thirty (30) days after their appointment, the two (2) members of the board appointed by the Village President shall call a special election to fill the three (3) elective offices provided for in this section. The members so elected shall each serve for a term expiring on the second Tuesday in May 1984. Thereafter, each elected member of the board shall serve for a term of two (2) years, commencing on the second Tuesday of May in the year of such election. All elected members of the board shall serve until their successors have been elected and qualified.

The regular election for board members shall be held biennially on the third Monday in April. All elections shall be held at such place(s) in the Village as may be designated by the appointed members of the board. All elections shall be conducted under the Australian ballot system and such other regulations as shall be prescribed by the appointed members of the board.

All members of the regular police force shall be entitled to vote only for the police force members of the board. All beneficiaries eighteen (18) years or older shall be entitled to vote only for the member chosen from among the beneficiaries. No person shall be entitled to cast more than one ballot at any such election.

Upon the death, resignation or inability to act of any member of the board elected under this section, a successor shall be elected for any unexpired term at a special election, to be called by the board and conducted in the same manner as the regular biennial election. (Ord. 83-O-32, 9-12-1983)

2-5-5: MEETINGS OF THE BOARD:

The board shall hold regular quarterly meetings in July, October, January and April in each year and special meetings as called by the President of the board. (Ord. 03-O-34, 12-15-2003)

2-5-6: OFFICERS OF THE BOARD; QUORUM:

At the regular July meeting, the board shall elect from its members a President, Vice President, Secretary and Assistant Secretary to serve for a term of one year and until his or her respective successor is elected and qualified.

The Vice President of the board shall perform the duties of the President during any vacancy in that office, or during such time as the President is absent from the Municipality or for any other reason is disqualified or by reason of illness or other causes is unable to perform his duties.

The Assistant Secretary shall act for the Secretary whenever necessary to discharge the functions of that office.

A majority of the board constitutes a quorum for the conduct of all business. (Ord. 83-O-32, 9-12-1983)

2-5-7: POWERS, DUTIES:

The Board of Trustees of the Police Pension Fund shall have all the powers and authority, and shall perform such duties as are provided and set forth in 40 Illinois Compiled Statutes 5/3-101. (Ord. 83-O-32, 9-12-1983)

2-5-8: COMPENSATION OF MEMBERS OF BOARD; EMPLOYMENT OF PENSIONERS:

Members of the board shall not receive or have any right to receive any money or monies from the Pension Fund as a salary for service performed as a member of the board. No person drawing a pension under this chapter shall be employed by the board in any capacity. (Ord. 83-O-32, 9-12-1983)

2-5-9: MEMBERSHIP IN POLICE PENSION FUND:

Any person appointed as a police officer in and for the Village, after the effective date of this chapter, shall make application to participate in the Police Pension Fund within three (3) months after such appointment. (Ord. 83-O-32, 9-12-1983)

2-5-10: RULES AND REGULATIONS:

The Board of Trustees of the Police Pension Fund is authorized to make necessary rules and regulations in conformity with the provisions of law and to publish and transmit copies from time to time to pensioners and contributors. (Ord. 03-O-34, 12-15-2003)

9-14-1.4: PLAN COMMISSION:

(A) Creation And Membership: There is hereby created a seven (7) member Plan Commission in and for the Village consisting of a Chairman, Vice Chairman and five (5) additional members.

(B) Appointment, Term, Vacancies, Removal: All appointments to the Plan Commission shall be made by the President with the advice and consent of the Board of Trustees.

The terms of the current members of the Plan Commission are hereby confirmed. Thereafter all appointments shall be for a term of four (4) years. On or before March 1, 2004, the President with the advice and consent of the Board of Trustees shall appoint one of the current Plan Commission members as Vice Chairman, said appointment as Vice Chairman to run concurrently with that member's original term of appointment.

If a vacancy occurs in the position of Plan Commission member and there remains an unexpired portion of the term of said member, the vacancy shall be filled for the remainder of the term by the President with the advice and consent of the Board of Trustees.

Any Plan Commission member may be removed for cause by a majority vote of the President and Board of Trustees, after a public hearing conducted during a regularly scheduled Village Board meeting. (Ord. 03-O-35, 12-15-2003)

(C) Compensation: Members of the Plan Commission shall serve without compensation except that should any applicant request the Plan Commission to conduct a specially called meeting to consider said application, then said applicant shall pay to the Zoning Officer, in addition to all other fees required by the ordinances and resolutions of the Village, an amount sufficient to compensate the Chairman and each member of the Plan Commission actually in attendance at said specially called meeting the sum of twenty five dollars (\$25.00). Notwithstanding any provision contained herein to the contrary, an applicant shall not be required to pay such special meeting fee where the Village Administrator determines to conduct a specially called Plan Commission meeting as a matter of convenience and where such applicant has paid a fee in conjunction with an application for zoning relief which requires a public hearing before the Plan Commission. (Ord. 79-O-28, 6-25-1979; amd. Ord. 80-O-35, 6-23-1980; Ord. 87-O-37, 9-14-1987)

Such specially called meetings shall be called as hereinafter provided for the calling of all regular meetings of the Board in subsection (E) of this section. (Ord. 97-O-05, 1-27-1997)

(D) Jurisdiction: The Plan Commission of the Village of Willowbrook, which has been duly established, shall be the Plan Commission referred to in this title. It shall have the following duties:

1. To hear and review all applications for amendments, variations and special uses and thereafter submit reports of findings and recommendations thereon to the Board of Trustees.
2. To initiate, direct and review, from time to time, studies of the provisions of this title, the Comprehensive Plan and the subdivision regulations, and to make reports of its recommendations to the Board of Trustees.
3. To receive and review all plats of subdivisions and make recommendations with respect thereto to the Board of Trustees.
4. To review all preannexation agreements and recommend with respect thereto to the Board of Trustees.
5. To hear and review all matters upon which it is required to recommend under this title and such other matters as may from time to time be referred to it, consistent with this Code.
6. To hear and decide all other matters upon which it is authorized or required to pass under this title.
7. To hear and decide appeals in which it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Officer in the manner set forth in section 9-14-3 of this chapter. (Ord. 97-O-10, 4-14-1997)

(E) Meetings, Proceedings, Rules: The Plan Commission shall conduct itself in accordance with the following:

1. All meetings of the Plan Commission shall be held at the call of the Chairman or, in his absence, the Vice Chairman and at other times as the Plan Commission may determine.
2. All meetings shall be open to the public except as otherwise permitted by law.
3. Any interested person may appear before the Plan Commission in person or by duly authorized agents or attorneys.
4. The Chairman or, in his absence, the Vice Chairman, may administer oaths, and in all proceedings where the Plan Commission is exercising the powers of a Zoning Board of Appeals, compel the attendance of witnesses.
5. A certified court reporter shall be present at all hearings conducted by the Plan Commission for the purpose of taking and transcribing all testimony adduced at such hearing, with the exception of those hearings that pertain to an application for a variation from the bulk regulations only, filed by the owner or owners of residential dwellings occupied for residential purposes, that do not involve the approval or expansion of any home occupation. All testimony shall be given under oath.
6. The Plan Commission may adopt its own rules and procedures not in conflict with this Code or with applicable Illinois Statutes. A copy of the rules and procedures shall be kept on file with the Village Clerk and shall be a public record.
7. The Plan Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its hearings and other official actions. Such minutes and records shall be kept on file in the Office of the Village Clerk.
8. Every order, requirement, decision, recommendation or determination of the Plan Commission shall be filed in the Office of the Village Clerk and shall be a public record.

(F) Quorum: A majority of the authorized membership of the Plan Commission shall constitute a quorum. No meeting (or hearing) shall be conducted by the Plan Commission without a quorum being present.

(G) Decisions: The Plan Commission shall conduct a public hearing or inquiry on all matters presented to it within ninety (90) days of the date of its receipt of a complete application on appeal. The Plan Commission may make any recommendation on any application, or reverse or affirm, in whole or in part, or may modify or amend any order, requirement, decision or determination appealed from to the extent and in the manner the Plan Commission may decide to be fitting and proper under the circumstances, subject to the provisions contained in this title or in the applicable Illinois Statutes.

The concurring vote of a majority of the members of the Plan Commission present at a lawfully conducted meeting shall be necessary to make any decision or recommendation on any matter upon which the Plan Commission is required to pass under this or any other title of this Code; provided, however, that the concurring vote of four (4) members of the Plan Commission is necessary to reverse any order, requirement, decision, or determination of the Zoning Officer, to decide in favor of an application on any matter upon which it is required to pass under this title as a Zoning Board of Appeals, or to recommend any variation in this title.

Any absent member who certifies that he has read the transcript of the proceedings (and has reviewed all exhibits admitted during the proceedings) before the Plan Commission may vote on any question before the Plan Commission. (Ord. 03-O-35, 12-15-2003)

(H) Finality Of Decisions Of The Plan Commission: All decisions of the Plan Commission on appeal from a decision of the Zoning Officer shall be final administrative determinations and shall be subject to administrative review by a court of law in the manner provided for in 735 Illinois Compiled Statutes 5/3-101 et seq.

(I) Secretary Of The Plan Commission: The Plan Commission shall appoint a Secretary who shall serve until a successor is appointed. The Secretary of the Plan Commission shall have the following duties:

1. Record the minutes of the Plan Commission's proceedings and actions showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact.
2. Cause to be filed with the Village Clerk the originals of all documents and other evidentiary matters received by the Plan Commission and shall further, pursuant to the direction of the Plan Commission, maintain copies of all such information.
3. Furnish members of the public with such forms for appeals and applications for variations as are approved by the Plan Commission.
4. Receive on behalf of the Plan Commission all such forms, when completed and executed by the appellant or applicant, or his agent or attorney.
5. Perform such other duties as may be assigned from time to time by the Plan Commission. (Ord. 97-O-10, 4-14-1997)