

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** Legal Department      **DATE:** September 16, 2003  
(Name)

**RECOMMENDATION FROM:** \_\_\_\_\_ **FILE REF:** \_\_\_\_\_  
(Board or Department)

**NATURE OF ACTION:**

- Ordinance
- Resolution
- Motion
- Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt "AN ORDINANCE MAKING CERTAIN TECHNICAL AMENDMENTS TO THE DOWNERS GROVE MUNICIPAL CODE", as presented.



**SUMMARY OF ITEM:**

Adoption of the attached ordinance will make certain technical, non-substantive amendments to the Downers Grove Municipal Code.

**RECORD OF ACTION TAKEN:**

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE MAKING CERTAIN TECHNICAL AMENDMENTS  
TO THE DOWNERS GROVE MUNICIPAL CODE**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by ~~shading~~/underline; deletions by ~~strikeout~~):

**Section 1. That Section 1.16 is hereby amended to read as follows:**

**1.16 Citation and settlement in lieu of prosecution for certain offenses.**

\* \* \*

(e) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of fifty dollars (\$50.00) if paid within ten (10) days of service of the citation, or one hundred dollars (\$100.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section 13-35; Open Burning Prohibited.

(ii) Section 15-28.3; Possession of Telecommunications Devices on Public School Property Prohibited.

(iii) Section 17-45; Parking in Fire Lane.

(iv) Section 25-5; Regulations for Water Conservation.

2. DOWNERS GROVE PARK DISTRICT GENERAL USE ORDINANCE (pursuant to an intergovernmental agreement with the Downers Grove Park District)

~~\_\_\_\_\_ (i) Article 4~~

~~\_\_\_\_\_ (ii) Article 5~~

\* \* \*

(j) The following Village personnel shall have the authority to issue citations under this section: police officers, fire department inspectors, code ~~enforcement~~services officers, and such other persons as designated by the Village Manager; provided that fire department inspectors shall only write citations for violations of the Life Safety or BOCA Fire Prevention Code, and that the Village Manager, by administrative regulation, may limit the jurisdictional powers of other persons he designates as authorized to issue citations. (Ord. No. 2261, § 4)

**Section 2. That Section 2.79DIV. is hereby amended to read as follows:**

**2.79DIV. Division 13~~2~~. Economic Development Commission**

**Section 3. That Section 2.81.1DIV. is hereby amended to read as follows:**

**2.81.1DIV. Division 14~~3~~. Technology Commission**

**Section 4. Section 2.81.2ART. is hereby renumbered to be Section 2.89ART.**

**2.81.2ART. Combined Waterworks and Sewerage System**

**Section 5. Section 2.82. is hereby renumbered to be Section 2.90.**

**2.82. Findings of Village Council.**

It is hereby found, determined and declared necessary and for the best interests of this Village that the waterworks system of the Village and the sanitary sewerage system of the Village be combined into and operated as a single utility, as the combined waterworks and sewerage system of the Village. (Ord. No. 1254, § 1; Ord. No. 1766, § 2; Ord. No. 2641, § 7; Ord. No 2686, § 1; Ord. No. 3266, § 35.)

**Section 6. Section 2.83. is hereby renumbered to be Section 2.91.**

**2.83. Water and sewerage systems combined; setting of rates.**

The Village waterworks system in its entirety, together with all additions, improvements and extensions thereto that may hereafter be made, and the Village sanitary sewerage system in its entirety, together with all additions, improvements and extensions thereto that may hereafter be made, in and for the Village, are hereby declared to be a combined system, and such combined waterworks and sewerage system shall be maintained and operated as a single utility. Charges or rates shall be established for the use of such combined system, which shall be reasonable and commensurate with the service performed by the combined system, and shall be sufficient to maintain and operate the combined system, provide an adequate depreciation amount and pay the principal and interest on any revenue bonds which may be issued, which by their terms are made payable from the revenues of such combined system. (Ord. No. 1254, § 2; Ord. No. 1766, § 2; Ord. No. 2641, § 7; Ord. No 2686, § 1; Ord. No. 3266, § 35.)

**Section 7. Section 2.84. is hereby renumbered to be Section 2.92.**

**2.84. Name of combined system; assets and liabilities of water system deemed assets and liabilities of combined system.**

The combined waterworks and sanitary sewerage system shall be known and designated as the "Combined Waterworks and Sewerage System of the Village of Downers Grove", and all improvements and extensions to such waterworks and sewerage system shall be considered as improvements and extensions to the combined system. All the properties, assets, obligations and liabilities, of all kinds of the waterworks system presently existing and outstanding, or accruing or to accrue hereafter, shall be held, used, confessed and acknowledged as the properties, assets, obligations and liabilities of the combined utility. (Ord. No. 1254, § 3; Ord. No. 1766, § 2; Ord. No. 2641, § 7; Ord. No 2686, § 1; Ord. No. 3266, § 35.)

**Section 8. Section 2.84DIV. is hereby renumbered to be Section 2.82DIV.**

**2.84DIV. Division 14. Community Grants Commission.**

**Section 9. That Section 3.5. is hereby amended to read as follows:**

**3.5. Local Liquor Commission.**

(a) A local Liquor Commission is hereby created, which shall consist of seven members appointed

by the local Liquor Commissioner ~~for the following terms: one member shall be appointed for a term ending April 30, 1984; one member shall be appointed for a term ending April 30, 1985; two members shall be appointed for staggered terms of three years each.~~ Members shall hold office for their designated terms and until their successors have been appointed.

\* \* \*

**Section 10. That Section 3.12. is hereby amended to read as follows:**

**3.12. Processing of applications.**

\* \* \*

(2) The experience or history of the applicant with the Village, including the prevalence or lack of contacts with the Police Department, Fire Department, ~~Department of Code Enforcement~~ Code Services Department, or any other enforcement body of the federal, state or county governments.

\* \* \*

**Section 11. That Section 3.13 is hereby amended to read as follows:**

**3.13 Classification of licenses.**

Such licenses shall be, and are hereby, divided into the following classes:

\* \* \*

(~~kl~~) Class "O" outdoor license shall authorize the sale and consumption of alcoholic liquor in and enclosed seating area. This license shall be limited to the conditions of the license classification issued to the establishment. The main and principal operation of the outdoor area shall be for dining purposes and food must be available in the outdoor dining area at all times.

(~~lm~~) Class "R" restaurant license shall authorize the sale of alcoholic liquor for consumption on the licensed premises, where the major and primary business is that of a restaurant. Provided, not more than forty percent (40%) of food and beverage sales shall be derived from alcoholic liquor. In addition, bar seating shall be limited to twenty percent (20%) of the entire seating for the establishment.

(~~mn~~) Class "R-1" restaurant licenses shall authorize the retail sale of beer and wine for consumption on the licensed premises, where the major and primary business is that of a restaurant. Provided, not more than forty percent (40%) of food and beverage sales shall be derived from alcoholic liquor. In addition, bar seating shall be limited to twenty percent (20%) of the entire seating for the establishment.

(~~no~~) Class "T" theater licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises where the major and primary business is that of a theater, subject to the following conditions:

- a. Sales of alcoholic beverages shall be limited to contracted theater rentals.
- b. Alcoholic beverage sales shall not be allowed during regularly scheduled motion pictures or films.
- c. Sales shall be made from portable bars containing alcoholic liquor, mixes and related preparation materials. Such portable bars shall not have seats or stools for patrons at which to sit.
- d. Portable bars shall be removed and/or stored out of view during all regularly scheduled motion pictures.
- e. No alcoholic liquor shall be served at a single contracted theater rental for more than six (6) consecutive hours.
- f. Food service must be available during contracted theater rentals in which alcoholic liquor service exceeds two (2) consecutive hours. However, should there be a suspension of liquor service for a main event or attraction (at a minimum duration of one (1) hour), such food service shall not be required.
- g. The licensee shall submit a report to the Village within thirty days following each July

1 and January 1 setting forth each contracted theater rental and the number of hours for which liquor was served during the six months prior. In addition, such report shall describe any planned events currently scheduled by the Licensee. (Ord. No. 244, § 6; Ord. No. 279, § 1; Ord. No. 356, § 1; Ord. No. 634, § 1; Ord. No. 635, § 1; Ord. No. 1059, § 1; Ord. No. 1200, § 1; Ord. No. 1465, § 1; Ord. No. 1741, §§ 15 to 17; Ord. No. 2246, § 1; Ord. No. 2388, § 7; Ord. No. 2541, § 6; Ord. No. 2735, § 1; Ord. No. 2945, § 1; Ord. No. 2996, § 1; Ord. No. 3050, § 1; Ord. No. 3164, § 2.)

**Section 12. That Section 7.9. is hereby amended to read as follows:**

**7.9. Same--Amendments.**

\* \* \*

(i) Sections 310.5 and 310.6 are amended by deleting the same in their entirety and substituting the following:

"310.5 Use Group R-3 Structures: This use group shall include all buildings arranged for occupancy as one- or two-family dwelling units and includes a child care facility which accommodates five or less children of any age. Unless otherwise provided herein, all such structures shall be designed in accordance with the ~~Suburban Building Officials Conference Building Code as adopted and amended in Section 7-14~~ the provisions contained in Article II of Chapter 14 of this Code.

310.6 Use Group R-4 Structures: This use group shall include all detached one- or two-family dwellings not more than three stories in height, and the accessory structures as indicated in the ~~Suburban Building Officials Conference Building Code as adopted and amended in Section 7-14~~ the provisions contained in Article II of Chapter 14 of this Code. Unless otherwise provided herein, all such structures shall be designed in accordance with the Suburban Building Officials Conference Building Code as adopted and amended.

\* \* \*

**Section 13. That Section 7.11. is hereby amended to read as follows:**

**7.11. Inspection and permit fees.**

No permit as required by the Building Code shall be issued until the fees described in this section shall have been paid to the Village collector, nor shall an amendment to a permit be approved until the additional fees, if any, due to an increase in the estimated size of the building structure shall have been paid.

\* \* \*

**B. Schedule of New Construction, Alteration and Addition Permit Fees:**

\* \* \*

- 3. Four Family and Up, Non-Residential Buildings:
  - a. Basic fee for first 500 square feet \$200.00
  - b. For each 100 square feet or fraction \$65.00
  - ~~c. For Buildings with fire detection and/or suppression systems~~  
(per each 100 square feet or fraction thereof) \$10.00
  - d. Plan review, bonds, licenses, construction water as applicable.

\* \* \*

**Section 14. That Section 8.31.4. is hereby amended to read as follows:**

**8.31.4. Processing of Application.**

\* \* \*

(b) Upon receipt of a proper application, the Chief shall investigate the information contained in the application and shall determine whether the applicant and location designated, if applicable, are in full compliance with all applicable laws of the Village. The nature and scope of the investigation shall be within the discretion of the Chief, and may include, but is not limited to, a criminal history background check and premise inspection. Provided, the application shall be referred to the Fire Department and the Code Enforcement Services Department to determine if the proposed entertainment facility complies with all applicable fire, building and zoning ordinances of the Village.

\* \* \*

**Section 15. That Section 8.49. is hereby amended to read as follows:**

**8.49. Same--Application; issuance.**

\* \* \*

(e) The Village Clerk, the Chief of Police and the Director of Code Enforcement Services shall investigate the information contained in the application and shall determine the following:

**Section 16. That Section 8.76. is hereby amended to read as follows:**

**8.76. Same--License required; application; standards for issuance.**

\* \* \*

5) Temporary structures. A temporary use may be conducted in a temporary structure such as a tent, awning, spectator stand or seating, shed or other similar item, provided such temporary structure shall comply with all applicable building and health and safety ordinances of the Village. Such temporary structures shall be subject to inspection by the Code Enforcement Services Department and fire department officials of the Village prior to commencing any activity or event for which the temporary use license was issued. A temporary structure shall not be maintained or used for more than 180 days in any calendar year.

\* \* \*

**Section 17. That Section 10.38. is hereby amended to read as follows:**

**10.38. Permit to Install Pre-wired Office Partitions.**

(a) No person shall install, alter or repair any pre-wired office partition unless a permit for such work was issued by the Director of Code Enforcement Services after approval by the Electrical Inspector or his duly authorized representative.

(b) Installation, alteration or repair of pre-wired office partitions shall be performed by an electrical contractor licensed as such under Chapter 8, Article IX, of the Downers Grove Municipal Code. The fees to be charged for inspection of the pre-wired office partition shall be based on the number of outlets as set forth in Section 10-21(c).

(c) To obtain a permit for the installation, alteration or repair of pre-wired office partitions, the licensed electrician shall submit to the Director of Code Enforcement Services a floor layout plan for placement of the pre-wired partitions and the electrical plan of each partition to be installed.

**Section 18. That Section 13.8. is hereby amended to read as follows:**

**13.8. Nuisance--Notice to abate; abatement by Village; Community Maintenance Board.**

When the owner or person in control of any property causes, permits or maintains any nuisance as enumerated in Section 13-7 in any building or upon any premises within the Village, notice to remove such nuisance shall be given in writing by the Code Enforcement Services Officer by personal service or by certified mail, return receipt requested, to the person to whom was sent the tax bill for general taxes for the last preceding year on the property. In addition to any fine or penalty which may be imposed, if the owner fails to abate such nuisance within ten (10) days of receipt of such notice, the Code Enforcement Services Officer may cause the removal of such nuisance and any reasonable expense incurred by the Village to abate the nuisance, including any administrative costs incurred in causing the removal and in billing the owner for the cost, shall be a charge against the owner which may be recovered in an appropriate action at law. As an alternative to instituting proceedings to impose a fine or other penalty for a violation of any provision of Division 2, the Code Enforcement Services Officer may refer the matter to the Community Maintenance Board established in Section 2-67 of this Code for their review.

For the purposes of enforcing this Article, the Code Enforcement Services Officer may, at all reasonable times, enter in and upon any premises within his jurisdiction. (R.O. 1925, § 267; Ord. No. 1840, § 1; Ord. No. 2406, § 2.)

**Section 19. That Section 13A.11. is hereby amended to read as follows:**

**13A.11. Persons filing complaints liable to defendant for costs in unsuccessful prosecutions.**

In the event that any defendant against whom a complaint is filed alleging a violation of any provision of this Article shall be found not guilty, or if such complaint shall be dismissed for want of prosecution, or if a conviction under this Article shall be reversed on appeal, then the person or persons signing such complaint shall be liable to such defendant in an amount equal to all reasonable costs and expenses, including attorneys' fees, incurred by such defendant by reason of the filing of such complaint, but not in excess of two hundred fifty dollars; provided, that no liability under this section shall be imposed upon any officer or employee of the Village or any member of the ~~health and human resources~~ Human Service eCommission acting in the course of his official duty on behalf of the Village. (Ord. No. 1349, § 7.5; Ord. No. 2544, § 7.)

**Section 20. That Section 13.11. is hereby amended to read as follows:**

**13.11. Method of treatment of water.**

The method of treatment of any collections of water that are specified in Section 13-10 directed towards the prevention of breeding of mosquitoes shall be approved by the eCode enforcement Services eOfficer and may be any one or more of the following:

(a) Screening with wire netting of at least sixteen meshes to the inch each way or with any other material which will effectually prevent the ingress or egress of mosquitoes.

(b) Complete emptying every seven days of unscreened containers, together with their thorough drying or cleaning.

(c) Using a larvicide approved and applied under the direction of the health officer.

(d) Covering completely the surface of the water with kerosene, petroleum or paraffin oil once every seven days.

(e) Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito destroying fish.

(f) Filling or draining to the satisfaction of the eCode enforcement Services eOfficer.

(g) Proper disposal, by removal or destruction, of tin cans, tin boxes, broken or empty bottles and similar articles, likely to hold water. (Ord. No. 117, § 3; Ord. No. 3275, § 2; Ord. No. 3346, § 3.)

**Section 21. That Section 13.13. is hereby amended to read as follows:**

**13.13. Treatment by Village when owner fails to prevent breeding of mosquitoes.**

When the owner or person in control of any property upon which any body or collection of water stands or flows fails to prevent the breeding of mosquitoes therein by proper treatment of the water as herein required, the Code Enforcement Services Officer shall notify the owner of the property that the failure to prevent the breeding of mosquitoes in the water on said property is in violation of this Article. If the owner fails to treat such water within three (3) days from receipt of the notice, the Code Enforcement Services Officer shall cause the treatment of the water to be done and any reasonable expense incurred by the Village in treating the water, including any administrative costs incurred in treating the water and in billing the owner for the cost, shall be a charge against the owner which may be recovered in an appropriate action at law.

For the purpose of enforcing the provisions of this Article, the Code Enforcement Services Officer may at all reasonable times enter in and upon any premises within his jurisdiction. (Ord. No. 117, § 5; Ord. No. 2291, § 2.)

**Section 22. That Section 13.16. is hereby amended to read as follows:**

**13.16. Same--exceptions.**

(a) Uncut plant growth, other than noxious weeds, on vacant, undeveloped or uncultivated lots contiguous to and used in conjunction with a developed lot for which the owner of record is the same, shall not be deemed a public nuisance for purposes of this Article and shall be exempt from the requirements thereof.

(b) Uncut plant growth, other than noxious weeds, in certain areas specifically designated as natural or environmental areas by the Village Manager, upon recommendation by the Code Enforcement Services Officer or upon written request of the property owner, shall not be deemed a public nuisance for purposes of this Article and shall be exempt from the requirements hereof. (Ord. No. 2097, § 1; Ord. No. 2633, § 1.)

**Section 23. That Section 13.18. is hereby amended to read as follows:**

**13.18. Same--Destruction by Village when owner fails to destroy; notice; expenses to be charged owner.**

When the person or owner in control of any lot or plot of ground fails to cut plant growth or destroy noxious weeds growing thereon, as herein required, the Code Enforcement Services Officer shall notify the owner of the property that the uncut plant growth or growth of noxious weeds on said property is in violation of this Chapter. If the owner fails to cut the plant growth or destroy the noxious weeds within a reasonable time, the Code Enforcement Services Officer shall cause the plant growth or noxious weeds to be destroyed and any reasonable expense incurred by the Village in cutting the plant growth or noxious weeds, including any administrative costs incurred in cutting the growth or noxious weeds and in billing the owner for the cost, shall be a charge against the owner which may be recovered in an appropriate action at law. (Ord. No. 2097, § 1; Ord. No. 2291, § 5; Ord. No. 2633, § 1.)

**Section 24. That Section 14.9. is hereby amended to read as follows:**

**14.9. Railroad Grade Crossings.**

\* \* \*

~~(g) A violation of this Section shall result in a mandatory fine of \$500 or 50 hours of community service.~~

**Section 25. That Section 16.2. is hereby amended to read as follows:**

**16.2. Illinois State Plumbing Code--Adoption.**

The Illinois State Plumbing Code, as promulgated by the Illinois Department of Public Health, and any subsequent amendments adopted by the Department thereto, is hereby adopted for the purpose of establishing rules and regulations for the materials, construction, alteration and inspection of all plumbing placed in or in connection with any building within the Village. The same is adopted in its entirety, save and except such portions as are hereinafter amended, and is, together with such amendments, incorporated as fully as if set out at length herein, and shall control in the installation and maintenance of plumbing systems within the Village. Said plumbing code, as modified and amended, may be referred to for all purposes as the "Downers Grove Plumbing Code" or the "Plumbing Code". At least one copy of said Code, including such amendments to it as shall hereinafter be enacted, shall be filed in the office of the Village Clerk, with additional copies available in the Code Enforcement Services Department of the Village. (Ord. No. 2808, § 2.)

**Section 26. That Section 17.45. is hereby amended to read as follows:**

**17.45. Same--Amendments.**

The deletions from and modifications and amendments to the Fire Prevention Code are as follows:

\* \* \*

(~~zbb~~) Section F-3102.1 is amended by deleting the same in its entirety and substituting in lieu thereof the following:

F-3102.1 General. The following words and terms shall, for the purpose of this Code have the following meanings:

Fireworks. The term "fireworks" shall have the same meaning as that term is defined and used in the Illinois Fireworks Regulation Act\*

(~~bbcc~~) Section F-3201.2 is amended by adding the words: "or waste oils" after the words "combustible liquids" wherever they appear therein.

(~~eedd~~) Section F-3207.1 is amended by deleting the same in its entirety and substituting in lieu thereof the following:

F-3207.1 General. Combustible liquid storage tanks of any capacity installed above ground shall comply with this chapter. Flammable liquids shall not be stored above ground.

(~~deee~~) Section F-3207.5 is amended by deleting the same in its entirety and substituting in lieu thereof the following:

F-3207.5 Fuel dispensing systems. Above ground tanks shall be permitted for the storage of combustible motor fuels on premises to which the public does not have access when installed in a special enclosure constructed in accordance with NFPA 30A listed in Chapter 44 of the BOCA Fire Prevention Code.

(~~eeff~~) Section F-3207.5.3 is amended by changing the following numbers: "6,000" to "1,000" and "18,000" to "1,500."

(~~ffgg~~) Section F-3207.0 is amended by adding the following sections:

F-3207.6 Storage of waste oils. Waste oils shall be stored in a listed double wall tank located outside the building with a minimum 2" diameter steel vent pipe extending at least 18" above the roof line. The tank shall be installed on a concrete pad with drainage and shall be protected from vehicular traffic damage in an approved manner and shall be blocked from view by an approved fence a minimum of six feet high. The tank and all associated piping shall be air pressure tested in the manner prescribed by the manufacturer and such test shall be witnessed by the code official.

F-3207.6.1 Maximum waste oil storage above ground. The maximum amount of waste oil stored outside above ground without additional protection shall be 660 gallons. Where the amount stored

outside above ground exceeds 660 gallons, the installation shall comply with NFPA 31 listed in Chapter 44 of the BOCA Fire Prevention Code.

F-3207.7 Storage of motor oils in above ground tanks. New motor oils shall be stored in a listed single wall tank if stored inside, or a listed double wall tank if stored outside. When stored outside, the tank shall be installed on a concrete pad with drainage, shall be protected from vehicular traffic damage in an approved manner, and shall be blocked from view by an approved fence a minimum of six feet high. The tank and all associated piping shall be air pressure tested in the manner prescribed by the manufacturer and such test shall be witnessed by the code official.

F-3207.7.1 Maximum motor oil storage above ground: The maximum amount of new motor oil stored in above ground tanks inside a building shall not exceed 1,320 gallons. If stored outside, the maximum amount of new motor oil shall not exceed 1,320 gallons without additional protection pursuant to NFPA 31 listed in Chapter 44 of the BOCA Fire Prevention Code.

(gghh) Section F-3601.2 is amended by deleting the same in its entirety and substituting in lieu thereof the following:

F-3601.2 Permits required.

(a) A permit shall be obtained from the code official for each of the following:

- (1) installation of liquified petroleum gas tanks regardless of the capacity;
- (2) sales or exchanges of filled tanks and the filling of tanks of any size

for sale or use on site;

(3) for the storage of containers used in commercial, maintenance, construction, stock management or vehicles, and

(4) any other use where tanks are used and stored on a regular basis.

(b) Prior to installation, use or storage of liquified or petroleum gas, the applicant for a permit shall submit plans to the code official detailing such installation, use or storage. If compliance with the requirements of this Code is shown by such plans, a permit shall be issued. The code official shall inspect the site upon completion of the installation to determine compliance with the plans and the ordinances of the Village.

(hhii) Section F-3603.0 is amended by adding the following section:

F-3603.4 Storage of containers. Containers stored inside or outside a building shall be secured inside a shelf or rack system of non-combustible construction or shall be chained to a non-combustible wall. Either method of storage shall prevent the tank from "rocketing" if exposed to fire. If stored outside, tanks shall be protected from tampering.

(iiij) Section F-518.1 is hereby amended by adding the following section:

Portable fire extinguishers shall be selected, distributed, inspected, maintained, tested and recharged in accordance with NFPA 10. (Ord. No. 2857, § 8; Ord. No. 3118, § 20; Ord. No. 3185, § 3.)

**Section 27. That Section 21.100SEC. is hereby amended to read as follows:**

**21.100SEC. Municipal Service Occupation Tax – Imposed; rate. Reserved.**

~~A tax is hereby imposed on all persons engaged in the Village in the business of making sales of service at the rate of one percent of the cost price of all tangible personal property transferred by said servicemen, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with the provisions of Section 8-11-5 of the Illinois Municipal Code. (Ord. No. 909, § 1; Ord. No. 1310, § 1; Ord. No. 1456, § 1.)~~

**Section 28. That Section 21.200SEC. is hereby amended to read as follows:**

**21.200SEC. Municipal Retailers' Occupation Tax – Imposed; rate. Reserved.**

~~A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of the~~

government of the State of Illinois, at retail in the Village at the rate of one percent of the gross receipts from such sales made in the course of such business while this Chapter is in effect, in accordance with the provisions of Section 8-11-1 of the Illinois Municipal Code. (Ord. No. 1234, § 1; Ord. No. 1457, § 1.)

**Section 29. That Section 28.1003. is hereby amended to read as follows:**

**28.1003. Group homes.**

Group homes, where allowed as a permitted or special use, shall be subject to the following conditions:

\* \* \*

(7) An inspection by the eCode enforcementServices ~~e~~Department ensures that existing building code requirements for residences are met prior to any occupancy or re-occupancy.

\* \* \*

**Section 30. That Section 28.1007. is hereby amended to read as follows:**

**28.1007. Recycling collection facilities.**

A Recycling collection facility, where allowed as a permitted or special use, shall be subject to the following conditions:

(a) The location on the zoning lot of a collection facility other than a building shall be restricted to that shown on a site plan approved by the Village Council as a condition of such use and shall not exceed two thousand (2,000) square feet in area.

(b) The organization or corporation operating such facility shall file with the Code EnforcementServices Department the name and address of its current registered agent or other person responsible for receiving notices on behalf of the operator.

\* \* \*

**Section 31. That Section 28.1410. is hereby amended to read as follows:**

**28.1410. Number of off-street parking and off-street loading spaces required.**

\* \* \*

(e) For uses not listed in the foregoing schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Board of Appeals or Plan Commission, and off-street loading spaces shall be provided in adequate number and size to serve such use as determined by the Zoning Board of Appeals or Plan Commission.

(e1) The Concentrated Business District is exempt from the provisions of this section.

**Section 32. That Section 28.1204. is hereby amended to read as follows:**

**28.1204. Nonconforming signs.**

\* \* \*

(c) The owner on July 1, 1985, of any sign that is nonconforming because it fails to comply with the provisions of this Article (provided that such owner has registered his ownership of the sign with the Code EnforcementServices Department on or before January 1, 1986) may alter the colors, letters, words, numbers, objects or symbols appearing thereon, without being required to make the sign comply with the provisions of this Article. No other person shall alter any nonconforming sign (including alterations in the colors, letters,

words, numbers, objects or symbols appearing thereon), unless such sign as so altered shall conform with the provisions of this Article. The occurrence of any one or more of the following events shall constitute a change in ownership of a nonconforming sign which shall extinguish the right to alter the face or message on such sign without making the sign comply with the provisions of this Article:

\* \* \*

**Section 33. That Section 28.1523. is hereby amended to read as follows:**

**28.1523. Modifications and variations by the Zoning Board of Appeals.**

The Zoning Board of Appeals or Plan Commission, upon petition made pursuant to Article XVIII of this Zoning Ordinance, and after a public hearing on such petition, may vary, or otherwise modify, the petition of any provision of this Article to any particular case when, in the opinion of such Board or Commission, the literal enforcement thereof would do manifest injustice or would be contrary to the spirit and purpose of this Article or the public interest. The decision of the Zoning Board of Appeals or Plan Commission shall specify the nature of the variation or other modification, the conditions upon which it is made, if any, and the facts or other reasons supporting the action taken.

**Section 34. That Section 28.1801. is hereby amended to read as follows:**

**28.1801. Procedures.**

\* \* \*

(b) Within ninety (90) days of receipt of a complete petition, the Zoning Board of Appeals or Plan Commission shall commence a public hearing. Within forty-five (45) days after conclusion of the public hearing, the Zoning Board of Appeals or Plan Commission shall grant or deny the petition for such variation, in whole or in part. The Zoning Board of Appeals or Plan Commission may impose such condition and restrictions as the Zoning Board of Appeals or Plan Commission determines appropriate or necessary to protect the public health safety and welfare, and/or ensure that the petition, as approved, will conform to the provisions of this Zoning Ordinance. A violation of such conditions shall be deemed a violation of this Zoning Ordinance. Each decision of the Zoning Board of Appeals or Plan Commission shall be set forth in writing and shall include specific findings of fact.

**Section 35.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 36.** That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:  
Published:  
Attest: \_\_\_\_\_  
Village Clerk