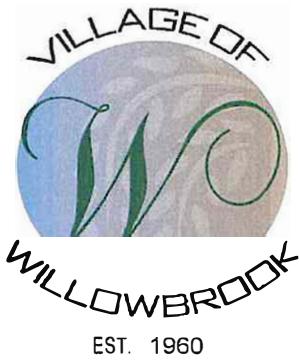


## A G E N D A



REGULAR MEETING OF THE LAWS AND ORDINANCES COMMITTEE TO BE HELD  
ON MONDAY, OCTOBER 11, 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 ZOOM WEBINAR  
FOR THIS MEETING.**

**Mayor**

Frank A. Trilla

THE PUBLIC CAN UTILIZE THE FOLLOWING CALL IN NUMBER:

**Dial in Phone Number: 312 626 6799**

**Village Clerk**

Deborah A. Hahn

**Meeting ID: 882 9370 4381**

**Village Trustees**

1. CALL TO ORDER

Sue Berglund

2. ROLL CALL

Umberto Davi

3. APPROVAL of May 10, 2021 Law and Ordinance Committee  
Minutes

Michael Mistele

4. APPROVAL of August 9, 2021 Law and Ordinance Committee  
Minutes

Gayle Neal

5. DISCUSS – REVIEW OF TITLE 6

Paul Oggerino

6. ON GOING REVIEWS

Gregory Ruffolo

7. OLD BUSINESS

Village  
Administrator

8. COMMITTEE REPORTS

**Chief of Police**

9. VISITOR'S BUSINESS  
(Public comment is limited to three minutes per person)

Robert Schaller

10. ADJOURNMENT

**Director of  
Finance**

Carrie Dittman

MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, MAY 10, 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.**

**THE PUBLIC CAN UTILIZE THE FOLLOWING CALL IN NUMBER:**

**Dial-in Phone Number: (312) 626-6799**

**Meeting ID: 973 7195 1661**

**1. CALL TO ORDER**

Chairman/Trustee Gayle Neal called the meeting to order at the hour of 5:30 pm.

(Meeting was being recorded)

**2. ROLL CALL**

Those present at Roll Call were: Chairman/Trustee Gayle Neal (in person at Village Hall), Trustee Umberto Davi (in person at Village Hall), Trustee Paul Oggerino (via Zoom), Assistant Village Administrator Sean Halloran (in person at Village Hall), and Building Official Roy Giuntoli (via Zoom).

**3. APPROVAL OF MINUTES**

Minutes - Regular Meeting January 11, 2021

**MOTION:** Motion was made by Trustee Umberto Davi to Approve the minutes from the January 11, 2021 Law & Ordinances Committee Meeting; Trustee Paul Oggerino second.

**ROLL CALL:** Chairman/Trustee Gayle Neal, Trustee Umberto Davi, Trustee Paul Oggerino all voted in favor to Approve.

MOTION DECLARED & CARRIED

Minutes - Regular Meeting March 8, 2021

**MOTION:** Motion was made by Chairman/Trustee Gayle Neal to Approve the minutes from the January 11, 2021 Law & Ordinances Committee Meeting; Trustee Umberto Davi second.

**ROLL CALL:** Chairman/Trustee Gayle Neal, Trustee Umberto Davi, Trustee Paul Oggerino all voted in favor to Approve.

MOTION DECLARED & CARRIED

4. DISCUSSION – Title 2 – Boards and Commissions

Chairman/Trustee Gayle Neal passed the floor to Assistant Village Administrator Sean Halloran.

- a) Assistant Village Administrator Sean Halloran stated that from past identified inconsistencies of locations of different Village Committees' locations within the Villages many ordinances, Staff wishes to reorganize them as such so that all the Commissions & Committees are in the same Title. It was noted that all but one Commission, the Plan Commission, are currently located in a single location.

MOTION: Motion was made by Trustee Umberto Davi to Approve to move forward with this matter; Chairman/Trustee Gayle Neal second.

ROLL CALL: Chairman/Trustee Gayle Neal, Trustee Umberto Davi, Trustee Paul Oggerino all voted in favor to Approve

MOTION DECLARED & CARRIED

5. ONGOING REVIEWS

- a) Code Update RFP
  - i. Assistant Village Administrator Sean Halloran stated that from past identified and outdated ordinances, the village is requesting that the Committee recommend that the village enter into an RFP to obtain bids by a consultant company for the reorganizing of [primarily] Title 9.
  - ii. The Law & Ordinances Committee had identified this inconsistencies and contradictions; had initially attempted to resolve matter internally, however it was determined that the Scope of the work required to research this Title exceeds the everyday abilities of staff to perform this in a short timeframe of estimated 6-8 months.
  - iii. This review will focus primary on the following: Zoning inconsistencies, wording contradictions, location inconsistencies.
  - iv. Any final report stemming from this RFP request will be submitted to the Law & Ordinances Committees, the Plan Commission and ultimately the Full Board of Trustees.
  - v. All present Law & Ordinances Committee members were in favoe of moving forward with this request.

6. COMMITTEE REPORTS

- a) Trustee Gayle Neal: Nothing additional to Report
- b) Trustee Umberto Davi: No Report
- c) Trustee Paul Oggerino: No Report
- d) Assistant Village Administrator Sean Halloran: Nothing additional to Report
- e) Building Official Roy Giuntoli: Nothing additional to Report

**7. VISITOR'S BUSINESS**

- a) None
- b) Building Official Roy Giuntoli stated that there were no other persons logged onto the ZOOM meeting.
- c) Assistant Village Administrator Sean Halloran stated that there were no known formal submittals (Phone calls/e-mails) from visitors to address.

**8. ADJOURNMENT**

**MOTION:** Motion was made by Trustee Umberto Davi to Adjourn the Meeting; Trustee Paul Oggerino second.

**ROLL CALL:** Chairman/Trustee Gayle Neal, Trustee Umberto Davi, Trustee Paul Oggerino all voted in favor to Adjourn.

MOTION DECLARED & CARRIED

Meeting adjourned at 5:48 pm

PRESENTED, READ and APPROVED

\_\_\_\_\_, 2021

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CHAIRMAN

Minutes prepared by  
Roy A. Giuntoli, Building Official (05/11/2021)

MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, AUGUST 9, 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.**

**THE PUBLIC CAN UTILIZE THE FOLLOWING CALL IN NUMBER:**

**Dial-in Phone Number: (312) 626-6799**

**Meeting ID: 973 7779 3184**

**1. CALL TO ORDER**

Chairman/Trustee Gayle Neal called the meeting to order at the hour of 5:30 pm.

(Meeting was being recorded)

**2. ROLL CALL**

Those present at Roll Call in the Village Hall Upper Floor Conference Room were: Chairman/Trustee Gayle Neal, Trustee Umberto Davi, Trustee Paul Oggerino, Assistant Village Administrator Sean Halloran, and Building Official Roy Giuntoli.

**APPROVAL OF MINUTES**

IT SHOULD BE NOTED THAT THERE WERE NOT PAST MEETING MINUTES DISCUSSED AT THIS MEETING AND THAT ALL PAST MEETING MINUTES WERE DEFERRED TO FUTURE MEETING.

**3. DISCUSSION – DISCUSS – AN ORDINANCE OF THE VILLAGE OF WILLOWBROOK AMENDING SECTION 4-1-4 ENTITLED “DUTIES”, OF CHAPTER 1 ENTITLED “DEPARTMENT OF MUNICIPAL SERVICES”, OF TITLE 4 ENTITLED “MUNICIPAL SERVICES”, OF THE VILLAGE CODE OF ORDINANCES OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS**

- a) Building Official Roy Giuntoli explained the reason behind the amended ordinance. As there was no specific ordinance, or portion thereof, pertaining this category of events, staff modified said ordinance, letter “L”, to allow for them. Assistant Village Administrator Sean Halloran stated the wording of the modified ordinance was done as it was to remain consistent with other similar ordinances.

**4. ONGOING REVIEWS**

- a) Title 6: Assistant Village Administrator Sean Halloran stated that this is an ongoing review, Attorney Bastion is reviewing the ordinance at this time. Ordinance shall be compared with neighboring communities. Section to be streamlined, estimated time of completion is September/October of this year. Chairman/Trustee Gayle Neal stated that much of our current wording is very outdated.

**5. OLD BUSINESS**

- a) Recommendation for Code Update RFP – Award to Houseal Lavigne: Assistant Village Administrator Sean Halloran stated the ongoing process to hire a firm that will update our Zoning code (Specifically Title 9). This company was chosen to be awarded the contract over the 4 others that were in the running for it. Houseal Lavigne's niche is specifically what we are looking for – updating Zoning Codes. Houseal Lavigne has worked with Carol Stream & Cary IL where they have taken several portions of the code and streamlined it all into a "Unified Development Ordinance". UDO's typically make it easier for all (staff, residents, designers, builder/developers, contractors, etc.) to work with and understand. A "Steering Committee" is in the process of being assembled. The Board will be updated with any progress. Chairman/Trustee Gayle Neal stated that as the Title is very long and has had many 'band aid' type changes whereas now it is complicated to understand, supports the update. Trustee Paul Oggerino asked if this has ever occurred in the past. Building Official Roy Giuntoli responded no wholesale revisions (as this update is being proposed) in the past 16 years. The awarded contract budget for this update was designed as a 'not to exceed' designed as such by the applicant, broken down into various pertinent categories. Assistant Village Administrator Sean Halloran Houseal Lavigne did their homework to provide a roadmap for what Willowbrook needed pertaining to many of the categories that this Title encompasses. This matter is in the Board Packet for tonight's Board Meeting.

**6. COMMITTEE REPORTS**

- a) Trustee Gayle Neal:
  - i. Requested that Law & Ord. committee be informed of any changes to other matters. Assistant Village Administrator Sean Halloran stated he would arrange for that.
- b) Trustee Umberto Davi: No Report
- c) Trustee Paul Oggerino:
  - i. Asked that since Cannabis revenue numbers are staggering, and other nearby municipalities are considering sales, has the village considered revisiting the allowed locations for this? Assistant Village Administrator Sean Halloran stated that Village Administrator Brian Pabst was looking into that. Assistant Village Administrator Sean Halloran asked if this Board would like staff to review this matter as a "Committee as a Whole" – Board responded yes and will follow up.
- d) Assistant Village Administrator Sean Halloran: Nothing additional to Report
- e) Building Official Roy Giuntoli: Nothing additional to Report

7. VISITOR'S BUSINESS

a) None

8. ADJOURNMENT

MOTION: Motion was made by Trustee Paul Oggerino to Adjourn the Meeting; Trustee Umberto Davi second.

ROLL CALL: Chairman/Trustee Gayle Neal, Trustee Umberto Davi, Trustee Paul Oggerino all voted in favor to Adjourn.

MOTION DECLARED & CARRIED

Meeting adjourned at 5:57 pm

PRESENTED, READ and APPROVED

\_\_\_\_\_, 2021

\_\_\_\_\_  
CHAIRMAN

Minutes prepared by  
Roy A. Giuntoli, Building Official (05/11/2021)

# VILLAGE OF WILLOWBROOK

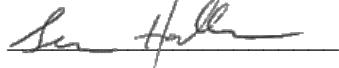
## LAW AND ORDINANCE COMMITTEE AGENDA ITEM - HISTORY/COMMENTARY

REVIEW OF TITLE 6

**AGENDA NO. 5**

**AGENDA DATE:**  
10/11/2021

**STAFF REVIEW:** Sean Halloran, Assistant Village Administrator

SIGNATURE: 

**LEGAL REVIEW:** Tom Bastian, Village Attorney

SIGNATURE: 

**RECOMMENDED BY:** Brian Pabst, Village Administrator

SIGNATURE: 

### ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)

As part of Village staff's review of the municipal code, staff identified several issues within Title 6. This area of the code doesn't reflect the community's current needs concerning health and nuisances. Several of the chapters are antiquated and fail to reflect the Village in its current condition. The analysis of the code was performed by staff, the Village Attorney, and members of the Law and Ordinance Committee, which consisted of evaluating the Village's needs and neighboring municipalities.

Throughout this research, it was found that the Village's codes are inconsistent and ineffective.

From this evaluation, staff attempted to strengthen its ability to enforce its codes that pertain to food safety and quality of life.

For example, staff is proposing to modernize the code by updating all nuisance language relative to the Village in 2021. Furthermore, staff is defining and consolidating other sections of the code into Title 6.

Lastly, staff's recommendation of the following regulations is to modernize the code and streamline the enforcement measures. As part of this recommendation, staff is removing five chapters of regulations.

Above is a brief overview

EXISTING	PROPOSED
<u>TITLE 6 HEALTH AND SANITATION</u>	<u>TITLE 6 HEALTH AND SANITATION</u> <u>HEALTH, NUISANCES</u>
<u>CHAPTER 1. FOOD ADULTERATION</u>	<u>CHAPTER 1. FOOD ADULTERATION</u> <u>HEALTH CODE</u>
<u>CHAPTER 2 BAKERIES</u>	<u>CHAPTER 2 BAKERIES</u> <u>NUISANCES</u>
<u>CHAPTER 3 CONFECTIONERY MANUFACTURE</u>	<u>CHAPTER 3 CONFECTIONERY</u> <u>MANUFACTURE-NOISE CONTROL</u>
<u>CHAPTER 4 GROCERY STORES</u>	<u>CHAPTER 4 GROCERY STORES</u> <u>LANDSCAPE WASTE DISPOSAL</u>
<u>CHAPTER 5 RESTAURANTS</u>	<u>CHAPTER 5 RESTAURANTS</u> <u>DISRUPTIONS OF UTILITY SERVICE</u>
<u>CHAPTER 6 SCAVENGERS</u>	<u>CHAPTER 6 SCAVENGERS*</u> <u>RESERVE.</u>
<u>CHAPTER 7 OPEN BURNING</u>	<u>CHAPTER 7 OPEN BURNING*</u> <u>RESERVE.</u>
<u>CHAPTER 8 WATER SERVICE</u>	<u>CHAPTER 8 WATER SERVICE*</u> <u>RESERVE.</u>
<u>CHAPTER 9 RESIDENTIAL COMPOSTING</u>	<u>CHAPTER 9 RESIDENTIAL</u> <u>COMPOSTING*</u> <u>RESERVE.</u>
<u>CHAPTER 10 SMOKING</u>	<u>CHAPTER 10 SMOKING*</u> <u>RESERVE.</u>

### ACTION PROPOSED:

Review the attached changes.

# **TITLE 6 DRAFT PROPOSAL**

EXISTING	PROPOSED
<b>TITLE 6 HEALTH AND SANITATION</b>	<b>TITLE 6 <del>HEALTH AND SANITATION</del> <ins>HEALTH, NUISANCES</ins></b>
<u>CHAPTER 1. FOOD ADULTERATION</u>	<u>CHAPTER 1. FOOD ADULTERATION</u> <u><ins>HEALTH CODE</ins></u>
<u>CHAPTER 2 BAKERIES</u>	<u>CHAPTER 2 BAKERIES</u> <u><ins>NUISANCES</ins></u>
<u>CHAPTER 3 CONFECTIONERY MANUFACTURE</u>	<u>CHAPTER 3 CONFECTIONERY MANUFACTURE</u> <u><ins>NOISE CONTROL</ins></u>
<u>CHAPTER 4 GROCERY STORES</u>	<u>CHAPTER 4 GROCERY STORES</u> <u><ins>LANDSCAPE WASTE DISPOSAL</ins></u>
<u>CHAPTER 5 RESTAURANTS</u>	<u>CHAPTER 5 RESTAURANTS</u> <u><ins>DISRUPTIONS OF UTILITY SERVICE</ins></u>
<u>CHAPTER 6 SCAVENGERS</u>	<u>CHAPTER 6 SCAVENGERS*</u> <u><ins>RESERVE.</ins></u>
<u>CHAPTER 7 OPEN BURNING</u>	<u>CHAPTER 7 OPEN BURNING*</u> <u><ins>RESERVE.</ins></u>
<u>CHAPTER 8 WATER SERVICE</u>	<u>CHAPTER 8 WATER SERVICE*</u> <u><ins>RESERVE.</ins></u>
<u>CHAPTER 9 RESIDENTIAL COMPOSTING</u>	<u>CHAPTER 9 RESIDENTIAL COMPOSTING*</u> <u><ins>RESERVE.</ins></u>
<u>CHAPTER 10 SMOKING</u>	<u>CHAPTER 10 SMOKING*</u> <u><ins>RESERVE.</ins></u>

## **EXISTING: CHAPTER 1 – FOOD ADULTERATION**

### **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)~~



## **PROPOSED: CHAPTER 1 – *HEALTH CODE***

### **6-1-1: ADMINISTRATIVE GENERAL PROVISIONS:**

#### **6-1-1-1: PURPOSE:**

It is the purpose of this code to enhance public protection by targeting for education and enforcement those issues which are most commonly associated with the occurrence of foodborne illness.

#### **6-1-1-2: POWERS:**

The *DuPage County* Health Inspector shall be given specific power to make inspections and for that purpose may enter buildings, structures and premises to enforce the environmental health laws of the Village and to that end shall make such orders, requirements, decisions and determinations as are necessary to the enforcement of the environmental health laws.

#### **6-1-1-3: RULES AND REGULATIONS:**

The Village has entered into an intergovernmental agreement for the provision of food and environmental health inspectional services with the *DuPage County Health Department* which agreement calls for inspections of all food establishments within the Village at least twice a year. The *DuPage County Health Department* and its officers, agents and employees are hereby designated as the lawfully constituted agents of the Village for all purposes under this Title as fully as if they were employees of the Village

#### **6-1-1-4: INSPECTION OF RECORDS:**

The *DuPage County* Health Inspector, after displaying proper identification, shall be permitted to examine the records of the food establishment to obtain information pertaining to pest control services rendered, employee certifications, and food and supplies purchased, received or used.

#### **6-1-1-5: INSPECTION REPORTS:**

Whenever a routine inspection of a food establishment is made, the findings will be recorded in the Food Establishment Inspection Report Form provided by the *DuPage County* Health Inspector. Inspectional remarks shall be written and shall state the correction to be made. The completed Food Service Establishment Inspection Report Form is a public document that shall be made available to public disclosure to any person who requests it according to law.

#### **6-1-1-6: SUSPENSION, REVOCATION AND APPEAL:**

The Health Inspector may, without warning, notice or hearing, suspend any license authorized by this Title if the operator does not comply with the requirements of this Title, and the operation of the establishment constitutes an imminent hazard to public health. Whenever a license is suspended, retail food operations shall immediately

cease. The suspension will be lifted once the required corrections are made as determined by a follow-up inspection to be provided within a reasonable time period not to exceed eight (8) days.

License revocation and the process to appeal are referenced in Section 7-1-16 of the Village Code.

#### **6-1-1-7: PENALTIES:**

Any person, firm, corporation or entity who violates, disobeys, omits, neglects, refuses to comply with or who resists enforcement of any of the provisions of this Chapter, shall upon conviction be fined according to the fine schedule located in Appendix B for each offense.

#### **6-1-1-8: EXTERIOR REFUSE ENCLOSURES:**

Exterior refuse enclosures for food service establishments are required to be of adequate volume and size and shall comply with the Property Maintenance Code. Newly constructed food service facilities shall comply with the Village Code for the enclosure design and materials used for Dumpster and Trash Handling Areas.

#### **6-1-2: DEFINITIONS:**

For purposes of following regulations, words shall have the meanings assigned to them in the Village Code with the addition of the following:

**Health Inspector:** The person meeting the qualifications of a Licensed Environmental Health Practitioner as defined by the Illinois Department of Professional Regulations and designated by the DuPage County Health Department to enforce health regulations pursuant to the Codes and Ordinances of DuPage County.

**Contact:** A routine food service sanitation inspection with a scored report, an in-service educational presentation, a re-inspection, an emergency inspection, a requested inspection, a foodborne illness investigation or a licensure inspection performed by the Health Inspector or under the supervision of the Health Inspector.

**Employee:** Any person working on the premises of a food service establishment who engages in management, supervision, food preparation, cleaning or service.

**Imminent Health Hazard:** Any hazard to the public health when the evidence is sufficient to show a product or practice posing or contributing to a significant threat of danger to health, creates or may create a public health situation (1) that should be corrected immediately to prevent injury or illness and (2) that should not be permitted to continue (i.e. flooding (including sewer backup), fire, no potable water available under

pressure, no electricity, no natural gas, suspected disease transmission from employee(s), operating without a business license).

### **6-1-3: TEMPORARY FOOD SERVICE ESTABLISHMENT:**

#### **6-1-3-1: SUBMITTAL OF PLAN AND APPLICATION:**

Temporary Food Service Establishments shall apply for a permit prior to fourteen (14) days in advance of an event. Each separate food vendor must apply for a permit. As part of the application process, a list of menu items, list of equipment items, list of food sources and hours of operation must be submitted.

#### **6-1-3-2: PERMITTING:**

A Temporary Food Service permit may be issued after review of the application if foodborne illness risks are deemed low by the Health Inspector or will be issued after inspection. It shall be unlawful to handle food at a Temporary Food Service Establishment prior to issuance of a permit. The permit shall be posted in public view.

#### **6-1-3-3: PERMIT DURATION:**

Temporary Food Service Establishments permits are valid for fourteen (14) days after issuance. A maximum of two (2) permits may be granted for each event. In addition, a permit may be issued, upon approval by the Village Board of Trustees, for up to ninety (90) days provided the permittee is lawfully operating, or engaged in constructing, a permanent food service establishment at a location adjacent to the Temporary Food Service Establishment location.

## **EXISTING: CHAPTER 2 – BAKERIES**

### **6-2-1: DEFINITION:**

~~The word "bakery" shall mean every place used for any process of mixing, compounding or baking, for sale or for the purposes of a restaurant or hotel, any bread, biscuits or other food product of which flour or meal is a principal ingredient; provided, that restaurants in which any of the foregoing food products are mixed and baked in ordinary restaurant kitchen stoves or ranges for consumption in such restaurant only, and kitchens or rooms in dwellings where any of the said food products are mixed and baked in any ordinary kitchen stove or range shall not be considered bakeries. (Ord. 61-O-44, 1961)~~

### **6-2-2: SANITARY REQUIREMENTS:**

~~Every place used as a bakery shall be kept in a clean and sanitary condition as to its floors, sidewalks, ceilings, woodwork, fixtures, furniture, tools, machinery and utensils. All parts of the bakery shall be adequately lighted at all times and shall be ventilated by means of windows, skylights, air shafts, air ducts, or by mechanical apparatus, if necessary, so as to insure a free circulation of fresh air at all times. Such ventilation construction and equipment shall be of such character that a complete change of air in all parts of the bakery may be made at least four (4) times each hour; provided, however, that it shall not be necessary to ventilate at such time or in such manner that the process of mixing or rising of dough will be interfered with or prevented. (Ord. 61-O-44, 1961)~~

### **6-2-3: FLOOR CONSTRUCTION:**

~~The floor of every place used as a bakery, if below the street level, shall be constructed of concrete, cement, asphalt or other impervious material, or of tile laid in cement, which floor may, if desired, be covered with a hardwood floor having tight joints; if above the street level, the floor may be of hardwood with tight joints or may be of any impervious material, as above provided. The angles where the floor and ceiling intersect the wall shall be made and maintained so as to be rat proof. (Ord. 61-O-44, 1961)~~

### **6-2-4: SCREENING FROM FLIES:**

~~Every bakery shall be kept reasonably free from flies, and the doors, windows and other openings of every such bakery shall, from April 1 to December 1, be fitted with self-closing wire screen doors and wire window screens. 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)~~

### **6-2-5: WALLS, CEILINGS:**

~~The side walls and ceilings shall be well and smoothly plastered, tiled or sheathed with metal or wood sheathing, and shall be kept in good repair. If made of mill construction with smooth surfaces, such walls and ceilings need not be sheathed or plastered. All walls, ceilings and woodwork shall be kept well painted. (Ord. 61-O-44, 1961; amd. Ord. 84-O-30, 6-25-1984)~~

### **6-2-6: PLUMBING, DRAINAGE FACILITIES:**

~~Every bakery shall be provided with adequate plumbing and drainage facilities, including well ventilated toilets and impermeable wash sinks on iron supports. No toilet compartment shall be in direct communication with a bakery, but may be connected with the bakery by a vestibule connection. (Ord. 61-O-44, 1961)~~

**6-2-7: SLEEPING FACILITIES; ANIMALS:**

No person shall sleep in any bakery or in the rooms where flour or meal used in connection therewith or the food products made therein are handled or stored. If any sleeping places are located on the same floor as the bakery, they shall be well ventilated, dry and sanitary. No domestic animals shall be permitted in a bakery or place where flour or meal is stored in connection therewith. (Ord. 61 O-44, 1961)

**6-2-8: CLOTHING OF WORKMEN:**

All workmen and employees, while engaged in the manufacture or handling of bakery products in a bakery, shall provide themselves with slippers or shoes and a suit of washable material which shall be used for that purpose only. These garments shall at all times be kept clean. (Ord. 61 O-44, 1961)

**6-2-9: DISEASED PERSONS:**

No person who has consumption, scrofula or venereal disease or any communicable or loathsome skin disease shall work in any bakery, and no owner, manager or person in charge of any bakery shall require or permit such a person to be employed therein. (Ord. 61 O-44, 1961)

**6-2-10: STORAGE OF MATERIALS, FOOD:**

All rooms for the storage of flour or meal for use in connection with any bakery shall be dry and well ventilated, and every bakery and room used for the storage of materials and food products in connection therewith shall be so arranged that the shelves, cupboards, trays, troughs, bins, cases and all other appliances for handling and storing the same can be easily removed and cleaned. If the floor of any such bakery or room is below the adjacent street level, no such materials or products shall be stored nearer to such floor than one foot (1'). (Ord. 61 O-44, 1961)

**6-2-11: RATS, VERMIN:**

Every bakery shall be kept clean at all times and shall be kept free from rats, mice and vermin and from all matter of an infectious or contagious nature. (Ord. 61 O-44, 1961)

**6-2-12: NEW BAKERIES:**

No bakery shall be hereafter maintained in any room, basement or cellar in which the clear height between the finished floor and ceiling is less than eight feet six inches (8'6"), or in any room or place the floor of which is more than five feet (5') below the level of the street, sidewalk or alley adjacent to the building, or in any room or place which is not provided with sufficient natural light by means of windows, doors or skylights so that during the period between one hour after sunrise and two (2) hours before sunset on sunshiny days, lumina meter tests shall show a minimum illumination of five (5) foot candles in all parts of the bakery which are used in mixing or handling bakery products.

In any new bakery hereafter established, no window opening by which it is ventilated shall be less than three feet (3') above such street or alley level. No new bakery hereafter established shall have its floor more than one foot (1') below the adjacent street or alley level. (Ord. 61 O-44, 1961)

**6-2-13: REOPEN AFTER DISCONTINUANCE:**

If any bakery which is new or has previously been maintained and operated shall be vacated, discontinued or unused for a period of more than six (6) consecutive months and shall thereafter be reopened or reestablished as a bakery, it shall be considered a new bakery for purposes of this chapter. (Ord. 61 O-44, 1961)

**6-2-14: INSPECTION; ALTERATION, RENOVATION:**

~~The Health Committee of the Village and the authorized inspectors, agents and employees of said committee shall have the right at all times to enter in order to make such inspection and such record of the condition of any bakery as they may deem necessary; if such inspection shall disclose a lack of conformity with the provisions of this chapter, the Village may require such changes, alterations or renovations as may be necessary to effect compliance with the provisions of this chapter. (Ord. 61-0-44, 1961)~~

**6-2-15: LICENSE; FEE:**

~~No person shall conduct or operate a "bakery", as defined in this chapter, within the Village, without first obtaining a license therefor. The annual license fee for conducting or operating a bakery shall be as set forth in section 3-1A-1 of this Code. (Ord. 61-0-44, 1961; amd. Ord. 75-0-41, 12-17-1975; Ord. 84-0-30, 6-25-1984)~~

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## **PROPOSED: CHAPTER 2 – *NUISANCES***

### **6-2-1: DEFINITIONS:**

The following definitions shall apply in the interpretation and enforcement of this Chapter:

**PERSON:** Any person, firm, partnership, association, corporation, company or organization of any kind.

**MOTOR VEHICLE:** A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, tractors, trailers or semi-trailers, motorcycles, buggies and wagons or any other similar vehicle.

**STREET or HIGHWAY:** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, including but not limited to the hard traveled portions of any roadway, the berm or the parkway.

**POLICE OFFICER:** As used in this Chapter, the term "police officer" shall include all police officers of the [Willowbrook Police Department](#), including auxiliary officers, and all other enforcement officers and officials of the Village.

### **6-2-2: DECLARATION OF PUBLIC NUISANCES:**

Each of the following enumerated acts or omissions is hereby declared to constitute a public nuisance and shall constitute a violation of this Municipal Code. In addition, it shall be a public nuisance and shall constitute a violation of this Municipal Code to commit any offense or permit a condition or use of property which is in fact a nuisance according to the common law, other ordinances of the Village, or the statutes of the State of Illinois, or the statutes of the United States or which deleteriously affects public health, welfare, or safety, or greatly offends the public morals or decency.

#### **6-2-2-1: ANIMALS:**

1. **Animal Carcasses:** To cause or permit the carcass of any dead animal or vegetable matter, slops, swill, suds, garbage, filth, stable drippings or other offal or noisome substance of any kind to be collected, deposited or remain in any place, except in approved covered containers and then only long enough to be properly disposed of.

2. **Unclean Animal Shelter:** To keep, cause or suffer to be kept upon any premises any chicken coop, chicken house or pen; or to keep, cause or suffer to be kept upon any premises any stable, kennel, doghouse, dog-run or other structure or place for the retaining, care or shelter of any fowls or animals in an unclean, unsanitary or filthy condition.

3. **Grazing of Animals:** To allow or permit the grazing or riding of animals upon parkways, or on private property without the permission of the owner thereof, nor in such a manner as to interfere with anyone walking upon the public sidewalks, or that they may cause damage to ornamental plantings.

4. **Certain Animals and Fowl Prohibited:** To own, keep or use any railroad car, yard, pen, place, structure or premise, in or upon which cattle, swine, chickens, fowl or other livestock shall be confined or kept, unless the aforementioned animals are kept in conformance with the conditions of a special use permit granted pursuant to the provisions of the Code of the Village.

5. **Permitting Offensive Animal Noises:** To keep or permit to be kept upon any premises any dog or other animal or fowl emitting loud, frequent and continuous offensive noises.

6 **Ground Feeding:** Ground feeding of animals and/or birds, including but not limited to cats, squirrels, chipmunks, rats, mice, rabbits, raccoons, opossum, skunk, deer, ducks, geese. To spread, cast, deposit or dump food, including birdseed, corn, bread pieces, food scraps, animal chow or any like or similar substance on any public or private property in the Village. Above-ground bird feeders shall be permitted as long as all feed is placed in a container or feeder designed for the specific purpose of feeding birds.

#### **6-2-2-3: DANGEROUS AND OFFENSIVE CONDITIONS:**

1. **Offensive Substances:** To throw or deposit any night soil, dead animal, offal, compost or other offensive or noisome substance upon any lot, street, alley, park or other public place or in any watercourse, pond, spring or well.

2. **Offensive Smells:** To so conduct any business or use of any premises as to create an offensive smell which taints the air or renders it unwholesome or disagreeable to the neighborhood.

3. **Dense or Offensive Smoke:** To cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other device.

4. **Obstructing Watercourses:** To obstruct any watercourse, ravine or gutter so as to cause water to stagnate therein, or to permit foul or stagnant water to stand upon any premises.

5. **Polluting Water:** To pollute, corrupt, contaminate or render unwholesome or impure the water of any drinking hydrant, watermain, reservoir, storm sewer, spring, stream, pond or lake.

6. **Unsanitary Buildings or Premises:** To prevent any building, structure or premises to become a breeding place for rats or other vermin or to permit said building, structure or premises to remain in an unclean or unsanitary condition so as to be prejudicial or dangerous to the health of individuals or the public.

7. **Offensive Business:** To erect, maintain or use any building or other place for a rendery, tallow chandlery, glue factory, tannery, slaughtering house, packing house, rendering establishment, bone factory or without limitation to the foregoing, for any trade, employment or manufacture which by occasioning noxious exhalations or otherwise, is offensive and dangerous to health of individuals or the public.

8. **Dangerous buildings, structures or premises:** To permit any building, structure or premises to become or remain in an unsafe or dilapidated condition so as to pose a danger to public health, safety or welfare."

9. **Stagnant water:** To allow stagnant water to accumulate or stand in swimming pools, ornamental ponds or fountains, and other containers so as to enhance or promote the breeding of mosquitoes or other unhealthful insects and the resulting danger to public health, safety and welfare. For purposes of this section, stagnant water shall mean any accumulation of water which does not circulate at all times with sufficient velocity to prevent the existence of any "dead" or non-moving spots.

#### **6-2-2-4: GARBAGE AND RUBBISH:**

##### **1. Open Rubbish:**

(1) To allow, cause or permit rubbish to be set out upon the parkways, at the rear of store buildings, or other places, for the purpose of being picked up by a rubbish collector, in containers which are not suitable or which permit or allow the rubbish contents to be scattered or blown around, causing an unclean condition to the annoyance, prejudice or discomfort of others.

(2) To place, cause or permit any tangible thing to be placed upon or permitted to remain upon any parkway within the Village, except for the purpose of being picked up by a regularly scheduled scavenger service; to allow or permit the placement of items for pickup by a scavenger service upon any parkway sooner than one day before the regularly scheduled day for pickup; to allow or permit containers or other tangible things to remain upon any parkway beyond the day following the regularly scheduled day for scavenger service pickup.

##### **2. Garbage or Refuse on Premises:**

(1) To cause or permit to remain on any premises garbage, offal, refuse, ashes, miscellaneous waste or any animal or vegetable matter which is likely to become offensive or injurious to health or to be blown about by the wind, for a longer period of time than twenty four (24) hours at any one time, except in metal or concrete containers with tight fitting covers thereon from which regular garbage collection is made at least once a week, provided, however, that grass clippings and leaves only may be contained in plastic bags.

(2) To dump or place, or to cause to be dumped or placed, any residential or commercial garbage, rubbish, waste or recyclable materials on any premises or property in the Village without the consent of the owner or such premises or property.

### **3. Garbage and Debris:**

(1) To permit or maintain an unsightly yard, lot or premises where there is an accumulation or deposit of tin cans, glass jars, bottles, metal materials, refuse, rubbish, junk, waste, manure, straw, weeds, tree stumps, tree clippings, brush, discarded or broken building materials, discarded sod, old lumber, old brick or concrete blocks, machinery or parts thereof, or other like matter or things.

It shall be unlawful for any person owning, leasing, occupying or controlling any plot of real estate to permit the accumulation or deposit of the aforesaid garbage and debris except as hereinafter provided.

(2) Discarded or broken building materials incident to construction on the site where the debris is located shall not remain on the plot for more than seven (7) days. Failure to remove said building materials within seven (7) days or permitting the deposit or accumulation of any of the other garbage or debris described in 3(1) of this subsection for any period of time shall constitute a violation of this Section.

(3) An authorized Village official or representative thereof shall serve or cause to be served a notice or citation upon any person owning, leasing, occupying or controlling any real estate within the Village upon which such a nuisance is found to exist, requiring them or any of them to remove the garbage and debris constituting such nuisance within twenty-four (24) hours. The notice or citation will be served in one of the following manners;

(a) By a written notice sent by United States certified mail, postage prepaid, to the last known person owning, leasing, occupying or controlling the real estate and as to the owner the notice may be addressed to the address shown on the most recent tax bill for said real estate.

(b) By general notice addressed to all owners, lessees, occupants or persons controlling real estate printed in a newspaper of general circulation in the Village, which notice shall direct attention to the provisions of this Section and provide that the garbage and debris shall be removed not later than ten (10) days after said notice is so printed.

(c) By a written notice personally delivered by the Village official or representative to the person owning, leasing, occupying or controlling the real estate.

(4) In the event any person so notified shall fail or refuse to comply with said notices or citations, it shall be lawful for the Village to cause such garbage and debris to be removed in any manner it shall designate, and to charge the cost of such removal to any person owning, leasing, occupying or controlling such real estate. The cost for so doing shall be calculated on the basis of administration fee of five hundred dollars (\$500.00) plus actual cost of garbage and debris removal.

(5) The cost and expense incurred by the Village, and/or by the person or firm performing the service by authority of the Village, in the abatement of the nuisance following the refusal or failure of the responsible party to abate the nuisance, including reasonable attorney's fees, shall constitute a lien upon the real estate affected, which lien shall be enforced as provided by statute. The Village shall provide notice of the lien either by personally serving or sending notice by certified mail to the person to whom was sent the tax bill for the general taxes on the property for the last preceding year.

(6) Any commercial or residential property within the Village that has been previously issued a notice or citation under this section within the same calendar year will be considered a repeat offender and the Village will have the authority to abate the nuisance without additional prior notice, and the real estate property owner will have a lien placed upon this property per the above stated procedures. Notice of the lien shall be sent as in (5) above.

#### **6-2-2-5: OBSTRUCTION:**

1. **Open Building Materials:** To create or suffer to be created or to remain upon any premises in a residential district for a period of more than seven (7) days, unless incident to construction on the premises and then not to exceed thirty (30) days, the storing, piling, accumulating, heaping, amassing or collecting bricks, concrete blocks, lumber, iron, pipe or any building materials in such quantities that the same is, or may become a menace to the health of individuals or the public; or that the same is unsightly, objectionable and offensive to those living in the neighborhood or to the public; or that the same may or does become dangerous to the children playing in the neighborhood; or that the same may or does become an attraction to rats and thereby become, or is dangerous to the health of any individual or the public.

2. **Business Use of Public Property:** To use or occupy any part of a street, parkway, alley or sidewalk of the Village for the purpose of carrying on, soliciting or promoting any trade, business or other enterprise; also, to cause or permit the storage of any product, supplies for or equipment incidental to the operations of such business or enterprises, upon any street, parkway, alley or sidewalk within the Village.

3. **Obstructing Public Ways:** To obstruct or encroach upon public streets and highways, private ways, streets, alleys, sidewalks, parking lots or public places of the Village so as to interfere with the passage of vehicles or persons thereon.

#### **6-2-2-6: SPREADING POISONS:**

To spread, or to cause or permit any agent or employee to spread any poison for the purpose of killing rats, mice, rodents, insects or other vermin, in any public way or public place; or to spread or to cause or permit any agent or employee to spread any poison for such purposes in any yard, court, passageway or other open place on private premises, or on the outside of any building or structure, or in any place within a building or structure which is open to the general public, or where pet dogs, cats or other domestic animals or fowls have access, without placing the same in a receptacle of such kind or character that it can be reached only by the kind of vermin which the

poison is intended to kill, or without placing a wire or other guard about same in such way that no child or domestic animal, domestic fowl, or other harmless creature can reach the same.

#### **6-2-2-7: WEEDS AND HIGH GRASS:**

1. To permit the growth upon any premises of any noxious weeds, except as hereinafter provided. Canada thistles and all of its varieties, perennial sow thistles, European bindweed, leafy spurge, Russian Knapweed, Johnson grass, giant foxtail, hoary cress, jimson, burdock, cockleburrs, ragweed, goldenrod and similar weeds and all weeds which, due to pollination, are a menace to health are, for the purposes of this Section, defined to be noxious weeds. It shall be unlawful for any person owning, leasing, occupying or controlling any plot of real estate to permit the growth of noxious weeds thereon except when the real estate is a wetland designated by the Army Corps of Engineers or a natural area otherwise protected by law, or as hereinafter provided.

2. All weeds shall be pulled or otherwise destroyed by the owner, lessee, tenant, occupant or person in control of said real estate whenever the weeds shall exceed eight inches (8") in height. The failure to destroy such weeds of the maximum height specified shall constitute a violation of this Section. The pulling or destruction of the weeds shall be in accordance with the following standards:

1) In the event the tract of real estate on which such weeds are located shall be vacant real estate, but being agriculturally cultivated with crops for sale or for human consumption, the owner, lessee, tenant, occupant or person in control of said real estate shall be required to pull or otherwise destroy those weeds located **within thirty feet (30')** of the perimeter of said real estate.

2) In the event the tract of real estate on which such weeds are located shall not exceed five (5) acres and shall be vacant and not contain any agriculturally cultivated crops for sale or consumption, the owner, lessee, tenant, occupant or person in control of said real estate shall be required to pull or otherwise destroy those weeds on the entire tract.

3) In the event the tract of real estate on which such weeds are located shall exceed five (5) acres in area and shall be vacant real estate, the owner, lessee, tenant, occupant or person in control of said real estate shall be required to pull or otherwise destroy those weeds located **within thirty feet (30')** of the perimeter of said real estate.

2a. The height of natural grass and/or weeds shall not be greater than eight inches (8") in height. This maximum height shall be maintained at all times.

3 An authorized Village official or representative thereof shall serve or cause to be served a notice or citation upon any person owning, leasing, occupying or controlling any real estate within the Village upon which such a nuisance is found to exist, requiring them or any of them to remove the weeds and/or high grass constituting such nuisance within twenty-four (24) hours. The notice or citations will be served in one of the following manners;

(a) By a written notice sent by United States certified mail, postage prepaid, to the last known person owning, leasing, occupying or controlling the real estate and as to the owner the notice may be addressed to the address shown on the most recent tax bill for said real estate.

(b) By general notice addressed to all owners, lessees, occupants or persons controlling real estate printed in a newspaper of general circulation in the Village, which notice shall direct attention to the provisions of this Section and provide that the weeds shall be destroyed and/or tall grass cut not later than ten (10) days after said notice is so printed.

(c) By a written notice personally delivered by the Village official or representative to the person owning, leasing, occupying or controlling the real estate.

4. In the event any person so notified shall fail or refuse to comply with said notices or citations, it shall be lawful for the Village to cause such weeds and/or tall grass to be removed or cut down in any manner it shall designate, and to charge the cost of such removal to any person owning, leasing, occupying or controlling such real estate. The cost for so doing shall be calculated on the basis of administration fee of five hundred dollars (\$500.00) plus actual cost of weed and/or tall grass removal. (Ord. 4407, 9-2-08)

5. The cost and expense incurred by the Village, and/or by the person or firm performing the service by authority of the Village, in the abatement of the nuisance following the refusal or failure of the responsible party to abate the nuisance, including reasonable attorney's fees, shall constitute a lien upon the real estate affected, which lien shall be enforced as provided by statute. The Village shall provide notice of the lien either by personally serving or sending notice by certified mail to the person to whom was sent the tax bill for the general taxes on the property for the last preceding year.

6. Any commercial or residential property within the Village that has been previously issued a notice or citation under this section within the same calendar year will be considered a repeat offender and the Village will have the authority to abate the nuisance without additional prior notice, and the real estate property owner will have a lien placed upon this property per the above stated procedures. Notice of the lien shall be sent as in (5) above. (Ord. 4407, 9-2-08)

#### **6-2-2-8: DEAD OR INFECTED TREES AND SHRUBS:**

To cause or permit to remain on any premises dead trees or shrubs or trees or shrubs that are infected with injurious insects, pests or infected with plant diseases which are liable to spread to other plants, trees or shrubs to the injury of said plants, trees or shrubs or to the injury of man or property.

#### **6-2-2-9: COMBUSTIBLE MATERIALS NEAR BUILDINGS:**

To store, keep, pile or stack hay, straw or other combustible or inflammable materials including but not limited to gasoline, oil, motor fuel, kerosene or other similar petroleum product within the space of fifty feet (50') of any building. Provided, however, that this shall not apply to temporary piling of materials to be used for building purposes, or to businesses licensed for the storage thereof or to residences where small quantities of said materials are properly stored for home use.

#### **6-2-2-10: MOTOR VEHICLES:**

1. **Parking of Vehicles:** To park, store or keep any vehicle in any rear, side or front setback, on either private or public property, on either grass or gravel, is prohibited.
2. **Repair of Motor Vehicles Not in a Building and in Public View:** To dismantle, repair or assemble any motor vehicle or repair or store any major part thereof on any premises not in a building which shields such activity on at least three (3) sides from public view is prohibited unless such activity is performed solely upon or for a motor vehicle owned by the owner or lessee of the premises and not for compensation and then not to exceed a period of three (3) consecutive days if such activity is not done within a building which shields such activity on at least three (3) sides from public view.
3. **Repair of Motor Vehicles in Public Ways:** To wash or repair any motor vehicle, including but not limited to changing or replacing parts, greasing or the performance of any other type of maintenance, service or work on any motor vehicle on any roadway or public right of way within the Village except for such emergency repairs as are necessary to remove such vehicle from the roadway. Such emergency repairs shall be made only as close as possible to the right-hand edge of the roadway, with the vehicle facing in the direction of the traffic flow, except in cases of indicated one-way streets where such emergency repairs may additionally be performed as close as possible to the left-hand edge of the roadway, with the vehicle facing in the direction of the traffic flow; to cause or permit to remain on any premises any motor vehicle, wagon or other conveyance, not currently licensed by the State of Illinois, which has been stripped of component parts, permitted to become in a rusted condition or which has been damaged to the extent that the repair thereof would cost in excess of four hundred dollars (\$400.00).

#### **6-2-2-11: INOPERABLE MOTOR VEHICLES OR PARTS THEREOF:**

To cause or permit an inoperable motor vehicle to remain on public or private property within the view of the public.

1. For purposes of this paragraph, the following definitions shall apply:

"Inoperable motor vehicle" shall mean any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.

"Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power for three (3) consecutive days in order to perform ordinary service or repair operations.

This paragraph shall not apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over twenty-five (25) years of age, or to a motor vehicle on the premises of a place of business, engaged in the wrecking or junking of motor vehicles.

2. Once an inoperable motor vehicle described above has been identified, the Police Department, or the [Village Administrator's Office, or designee](#), shall issue a notice of impending tow for an inoperable motor vehicle. The notice, to be given in accordance with paragraph 3 below, shall inform the owner, lessee, occupant or person controlling the real estate whereon the vehicle is located that the vehicle is scheduled for towing on the tenth day following receipt of the notice, or publication of the notice, whichever is applicable. If the person notified wishes to challenge the substance of notice of impending tow and the scheduled towing before the tow occurs, a tow hearing may be requested at the Police Department in and a decision on the appropriateness of tow will be made to determine whether or not the tow is justified and whether it will proceed as scheduled.

3. The notice of impending tow shall be served in one of the three (3) following described methods:

i. By a written notice sent by United States certified mail, postage prepaid, to the last known person owning, leasing, occupying or controlling the real estate, and as to the owner the notice may be addressed to the address shown on the most recent tax bill for said real estate.

ii. By a written notice personally delivered by a police officer or such other authorized Village official or representative to person owning, leasing, occupying or controlling the real estate.

iii. By general notice addressed to the owner, lessee, occupant or person controlling said real estate printed in a newspaper of general circulation in the Village of Willowbrook, which notice shall direct attention to the provisions of this Section.

## **6-2-2-12: SMOKING PROHIBITED:**

### **SMOKING PROHIBITED:**

(A) Violation: It shall be unlawful to smoke in public places, places of employment and government vehicles as provided in the smoke free Illinois act, 410 Illinois Compiled Statutes 82/1 et seq.

(B) Definitions: For the purposes of this section, the definitions set forth in section 10 of the smoke free Illinois act, 410 Illinois Compiled Statutes 82/10, shall apply.

(C) Penalty: Any person violating subsection (A) of this section shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00). Each time a violation occurs shall be deemed a separate violation.

## **6-2-3: ABATEMENT:**

Whenever any nuisance shall be found on any premises within the Village contrary to any provisions of this Chapter, the President of the Board of Trustees is hereby authorized, in his discretion, to cause the same to be summarily abated, in such manner as he may direct.

**Inspection:** For the purpose of carrying the foregoing provisions of this Chapter into effect, it shall be the duty of such officers or officials as may be directed or deputized by the President of the Board of Trustees, from time to time to ascertain and cause all nuisances arising under this Chapter to be abated. In all cases where a nuisance shall be found in any building, or upon any grounds or other premises which can be charged by assessment with the expense of removal, notice shall be given to the owner or occupant of the building or other premises, when known and can be found, to remove the nuisance; and in case of his refusal or neglect to comply with such notice, the officers or officials shall abate the same and report the expense thereof to the President and Board of Trustees.

**Abatement Notice:** In all cases where a nuisance shall be found in any building or upon any ground or other premises within the jurisdiction of the Village, not less than twenty four (24) hours' notice may be given in writing, signed by the officer or official so directed by the President of the Board of Trustees, to the owner or occupant or person in possession, charge or control of such building or other premises, if known and can be found, to remove such nuisance. It shall not be necessary in any case for the notice to specify the manner in which any nuisance shall be abated, unless the officer or official shall deem it advisable so to do. If the person so notified shall neglect or refuse to abate the same in accordance with such notice, he shall be chargeable with the expense which may be incurred in the removal thereof, to be collected by suit or otherwise in addition to any fine or penalty which may be imposed by law.

**Emergency Situations:** In an emergency situation where unless the Village acts, there is an immediate hazard, a serious risk to the public, or an imminent danger to the public health, safety or welfare from a nuisance existing in the Village, if a reasonable effort under the circumstances has been made to notify the person causing or permitting the nuisance and that person is either unavailable or unwilling to abate the nuisance, said nuisance may be abated without further notice, and a notice describing the action taken to abate the nuisance posted on the property.

Where the Village acts to abate a nuisance, the expenses incurred for the abatement shall be chargeable to the person causing or permitting the nuisance to continue or to the owner of the building, structure or premises on or from which the nuisance was abated.

#### **6-2-4: CITATION PROCEDURE:**

##### **6-2-4-1: PROCEDURE:**

A police officer or code enforcement officer who halts a person for a violation of any provisions of this Chapter, other than for the purpose of giving him a warning, warning notice, or preliminary citation as provided hereafter, shall take the name and address of said person, and such other pertinent information as may be necessary, and shall issue to him in writing on a form provided by the Village a citation containing a notice to answer to the charge against him before the proper court.

##### **6-2-4-2: DISPOSITION OF CITATIONS:**

1. Every police officer or code enforcement officer upon issuing a citation to an alleged violator of any provisions of this Chapter shall deliver the original citation to his/her immediate superior, who shall cause the original to be delivered to the proper court in the event the citation has not been settled as herein provided.

2. Upon the filing of such original citation with the proper court, said citation may be disposed of only by trial or by other official action, including forfeiture of bail or by payment of a fine.

##### **6-2-4-3: COMPLAINT; FAILURE TO OBEY:**

**Citation as Complaint for Prosecution:** The citation when filed shall be deemed to be a lawful complaint for the purpose of prosecution under this Chapter.

**Failure to Obey Citation:** It shall be unlawful for any person to violate the command of a citation duly issued him by a police officer regardless of the disposition of the charge for which such citation was originally issued.

##### **6-2-4-4: CITATION PROCEDURE:**

1. Whenever a police officer or code enforcement officer is authorized to give a citation to a person because of a violation of this Chapter said police officer or code enforcement officer may, in lieu of the filing of a complaint in court, in the first instance issue to such alleged violator, a preliminary citation:

- (1) Advising said person that he has violated a specified portion of this Chapter;

(2) Requesting him to make payment in any amount applicable to said alleged violation as set forth herein as settlement of said violation claim and to cease said alleged violation; and

(3) Informing him that upon failure to so settle, a complaint will be filed in the Circuit Court of DuPage County, charging him with such violation.

2. Pursuant to said preliminary citation, the person so accused of said violation may settle the violation claim in respect of such portion of this Chapter by paying to the Village the applicable amount as shown in the schedule set forth herein, within a period to be specified in said preliminary citation - not more than thirty (30) days of the time said alleged offense was committed.

Such payment shall be made in accordance with the instructions contained in the aforesaid citation, at Village Hall which shall issue a receipt for the money so received and promptly remit said amount to the Village to be credited to the proper Municipal fund.

3. In the event that the person to whom said preliminary citation is issued fails to settle and pay said violation claim within the prescribed time, or within a period of time specified in a final notice (if one is served upon him), then the police officer or code enforcement officer is authorized to cause a notice to appear to be served upon said alleged violator and is authorized to file a complaint and to prosecute the same in the Circuit Court of DuPage County.

4. The violation claim described in said preliminary citation so to be issued pursuant to the terms of this Chapter, may be settled and paid in the respective amounts set forth in the following schedule:

(1) In the event that said payment is made prior to the mailing by the Municipality or by the police officer or code enforcement officer of a final notice, a fine amount according to the fine schedule.

(2) In the event that the same person is given a second or greater number citation or preliminary citation for the same violation under this Chapter within a period of three years the amount in (1) above may be increased to an amount not greater than \$750.00 (every day shall be considered a separate violation).

(3) In the event that payment is not made within the time prescribed in the final notice, and a notice to appear has been served and a complaint filed in the Circuit Court of Cook County, payment of any fine and costs shall be in such amounts as may be determined by the Circuit Court of DuPage County.

## **EXISTING: CHAPTER 3 – CONFECTIONERY MANUFACTURE**

### **6-3-1: DEFINITION:**

~~The term "manufacturing confectioner" is hereby defined to mean any person, firm or corporation that shall engage in the business of manufacturing, for the purpose of selling to the wholesale or retail trade, any candies, confectionery, sugar ornaments, lozenges, cough drops, fruit or flavored tablets, popcorn candy or any similar products. (Ord. 61 O-44, 1961)~~

### **6-3-2: LICENSE:**

~~No person shall engage in the business of a manufacturing confectioner within the Village without first obtaining a license so to do. (Ord. 61 O-44, 1961)~~

### **6-3-3: APPLICATION:**

~~Application for a manufacturing confectioner's license shall be made to the Village Clerk. In addition, the application shall give a description of the premises as well as state the location of the same. (Ord. 61 O-44, 1961)~~

~~The Village shall cause an investigation to be made of the premises described in the application in order to determine the suitability of said premises and equipment for such business from a sanitary standpoint, and to determine whether said premises comply with all of the applicable provisions of this chapter concerning sanitation, public health and safety. If the application is approved by the Village Board, the Village Clerk shall issue said license. (Ord. 84 O-30, 6-25-1984)~~

### **6-3-4: LICENSE FEE:**

~~The annual fee for each manufacturing confectioner shall be as provided for in section 3-1A-1 of this Code. (Ord. 84 O-30, 6-25-1984)~~

### **6-3-5: SANITATION:**

~~Every establishment used for the business of a manufacturing confectioner and all equipment therein shall be kept in a clean and sanitary condition; all products of such establishment shall at all times be protected against contamination by flies and dust. No decayed, unwholesome or contaminated materials shall be used in the preparation or manufacture of candies, confectionery and similar products. Adequate and convenient washing and toilet facilities shall be provided for employees, and the location of the same, with reference to their proximity to the places where the manufacturing processes are carried on, shall be subject to the approval of the Village. (Ord. 61 O-44, 1961; amd. Ord. 84 O-30, 6-25-1984)~~

### **6-3-6: INSPECTION:**

~~The Village shall periodically inspect each manufacturing confectionery establishment to determine whether the applicable provisions of this chapter relating to health and sanitation are being complied with. (Ord. 61-O-44, 1961; amd. Ord. 84-O-30, 6-25-1984)~~

## **PROPOSED: CHAPTER 3 – *NOISE CONTROL***

Refer Title 5-3-15 Nuisances

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## **EXISTING: CHAPTER 4 – ~~GROCERY STORES~~**

### **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: UNWHOLESONE 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: UNWHOLESONMEAT; 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 UNWHOLESONE 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)~~

## **PROPOSED: CHAPTER 4 – *LANDSCAPE WASTE DISPOSAL***

**6-5-1: DEFINITIONS:**

For purposes of this Chapter, the following shall be defined as follows:

**COMPOSTING:** A controlled biological reduction of horticultural landscape organic wastes to humus.

**ORGANIC HORTICULTURAL LANDSCAPE WASTE:** Shall include leaves, grass, plant clippings, garden plant debris, natural Christmas trees and other organic horticultural debris accumulated from the care of lawns, shrubbery, vines and trees.

**SOLID WASTE/REFUSE:** Putrescible and non-putrescible wastes, including, but not limited to garbage, rubbish, dead animals, animal offal, animal feces, human wastes, abandoned vehicles, machinery components, construction or demolition debris, and landscape waste unless composted in accordance with this Chapter.

#### **6-5-2: PURPOSE AND INTENT:**

The purpose of this Chapter is to promote the recycling of organic horticultural landscape wastes through composting, and to establish standards for proper compost maintenance.

#### **6-5-3: MAINTENANCE:**

All compost piles shall be maintained using approved composting procedures in compliance with the following requirements:

1. All compost piles shall be enclosed in a freestanding compost bin. A compost bin shall be no larger than one hundred twenty-five (125) cubic feet in volume, and shall be no taller than five feet (5') from ground level.
2. A compost bin shall provide adequate penetration of moisture for the compost materials and adequate ventilation for the process of decomposition.
3. All compost piles shall be so maintained as to prevent the attraction or harborage of rodents and other pests. The presence of rodents or other pests in or near a compost pile shall be cause for the Village to proceed against the owner/occupier of the premises.
4. Compost piles shall be maintained in such a manner so as to prevent the creation or propagation of unpleasant or noxious odors onto surrounding areas.
5. A compost pile may not be located in a yard except under the following conditions only:
  - (A) Composting shall be limited to the residential districts within the Village.
  - (B) All compostable material shall be enclosed in a compost bin.
  - (C) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests.
  - (D) All compost bins shall be so maintained as to prevent unpleasant odors.
  - (E) Not more than one compost bin shall be located on any residential lot.
  - (F) All compost bins shall be located:

1. In the rear yard, not less than ten feet (10') from any lot line.
2. Such that no portion of the compost bin is within any drainage or utility easement.
3. Such that no portion of the compost bin is within twenty feet (20') of a principal structure on any adjoining lot.

#### **6-5-4: COMPOSITION:**

A compost pile may contain the following and only the following items:

1. Organic horticultural and landscape waste, as defined in the Definitions Section this Chapter; and/or
2. Commercial compost additives not prohibited by any State, local or Federal laws.

#### **6-5-5: SEPARATION AND COLLECTION:**

For waste collection purposes, organic horticultural landscape waste shall be separated from other solid waste and refuse, and such organic horticultural waste shall be placed only in Waste Wheeler Carts, Kraft paper bags, or other containers specifically designated by the Village. Village refuse hauling services shall not accept any organic horticultural landscape waste for collection unless it is packaged in conformity with this Section.

#### **6-5-6: PROHIBITED ITEMS:**

1. Lake Weeds;
2. Cooked or prepared food scraps of any kind;
3. Fish, meat or any other animal product or byproduct;
4. Manures of any kind;
5. Solid waste or refuse as defined in the DEFINITIONS Section of this Chapter.
6. Any other items not stated or contemplated by the COMPOSITION Section of this Chapter.

#### **6-5-7: OWNER/OCCUPIER RESPONSIBILITY:**

It shall be the responsibility of the owner of the premises to maintain all property under his/her control in accordance with the requirements of this Chapter. Further, if the owner of the premises is not the occupier of the property, the responsibility shall also be that of the occupier of the premises.

#### **6-5-8: PROHIBITED ACTIVITY:**

It shall be unlawful for any person to:

1. Mix organic horticultural landscape waste with any other waste;
2. Dump organic horticultural landscape waste on any property except that same may be spread or composted on the property from which it was collected and in conformity with the provisions of this Chapter;
3. Place organic horticultural landscape waste in any container for collection not among those types of containers approved by the Village for organic horticultural landscape waste collection;
4. Compost organic horticultural waste within fifty feet (50') of any residential structure located on another property;
5. Place landscape waste into a collection container other than his or her own.

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#### **EXISTING: CHAPTER 5 – RESTAURANTS**

##### **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)~~

DRAFT

**PROPOSED: CHAPTER 5 – *DISRUPTION OF UTILITY SERVICE***

**6-7-1: DEFINITIONS:**

**“Person”** means an individual, corporation, partnership, joint venture, contractor, association, municipality or other governmental unit or utility company.

**“Utility service”** means telephone, gas, electric, water and storm or sanitary sewer service, regardless of who provides those services.

**“Disrupt”** means to interrupt any utility service for a period of sixty (60) minutes or more.

**“Resident”** of Willowbrook means any person residing within the corporate limits of the Village of Willowbrook, and any business, commercial, retail, manufacturing, educational, governmental, or non-profit entity of any sort, located within the corporate limits of the Village of Willowbrook.

**“Excavation”** means any operation in which earth, soil, rock or other material in or on the ground is moved, removed or otherwise displaced by means of any tools, machinery, power equipment or explosives.

**“JULIE”** means the state-wide on-call notice system established for location of underground utility facilities.

#### **6-7-2: PROHIBITION:**

No person, through excavation or any other negligent, intentional or malicious act within the corporate limits of the Village of Willowbrook, shall disrupt any utility service to any resident or property owner of the Village of Willowbrook.

#### **6-7-3: PENALTY:**

Any person, firm, corporation or entity who violates, disobeys, omits, neglects, refuses to comply with or who resists enforcement of any of the provisions of this Chapter, shall upon conviction be fined according to the fine schedule.

#### **6-7-4: DEFENSES:**

It shall be a defense to the application of this Chapter to demonstrate that JULIE, or the utility whose service was disrupted, was contacted prior to the excavation for the purpose of marking or otherwise identifying the underground utility facilities, and that the underground utility line markings or identifications indicated by JULIE or said utility were respected.



## **EXISTING: CHAPTER 6 – ~~REFUSE – SCAVENGER SERVICE~~**

#### **6-6-1: DEFINITIONS:**

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

~~ALUMINUM FORMED CONTAINERS AND ALUMINUM FOIL: A bluish-white, lightweight, durable metal food or beverage container/wrap which does not rust.~~

~~APPROVED COMMERCIAL REFUSE CONTAINER: For those premises receiving commercial scavenger service, approved commercial refuse container shall mean receptacles of impervious material, such as galvanized metal of a suitable gauge and construction to insure durability, with a tight fitting cover, rodent and flyproof, of the type (1 to 8 cubic yard capacity) supplied by the scavenger and emptied mechanically into a "packertype" vehicle; or receptacles of not less than twenty (20) nor more than thirty two (32) gallons' capacity, of impervious material and sturdy construction, with a tight fitting cover and equipped with handles properly placed to facilitate handling.~~

~~APPROVED GARBAGE CONTAINERS: Approved garbage containers shall be:~~

- ~~(A) Garbage Can: A plastic or galvanized metal can of a type commonly sold as a garbage can of a capacity not less than four (4) gallons and not to exceed thirty two (32) gallons, and each such can shall have two (2) handles upon sides of can or bail by which it may be lifted and shall have a tight fitting top. No garbage can shall exceed sixty (60) pounds in weight when filled.~~
- ~~(B) Garbage Bag: A plastic bag with a capacity not to exceed thirty three (33) gallons in size and weighing no more than sixty (60) pounds when filled.~~
- ~~(C) Bundles: Any material allowed under the definition of rubbish, or household trash, such as wood, boxes or other loose items which do not exceed five feet (5') in length or sixty (60) pounds in weight. Bundles must be securely tied with biodegradable natural fiber twine.~~
- ~~(D) Toter: A wheeled plastic container with tight fitting top requiring a semi-automated lifting mechanism for collection, and approved by and/or supplied by contractor for an additional monthly charge.~~

~~APPROVED LANDSCAPE WASTE CONTAINERS: Approved landscape waste containers shall be:~~

- ~~(A) Kraft Paper Bags: Special biodegradable thirty (30) gallon paper bags which shred and degrade quickly in the composting process. The bags shall not be chemically treated with toxic chemicals to inhibit bag content degradation.~~
- ~~(B) Toter: A wheeled plastic container (60 and/or 90 gallon) with tight fitting top requiring a semi-automated lifting mechanism for collection, and approved by and/or supplied by the contractor for an additional monthly charge.~~
- ~~(C) Bundles: Any material allowed under the definition of hard landscape waste, such as limbs, branches or other loose items which do not exceed five feet (5') in length or sixty (60) pounds in weight. Each branch shall not exceed four inches (4") in diameter and the bundle shall not exceed eighteen inches (18") total diameter. Bundles must be securely tied with biodegradable natural fiber twine.~~
- ~~(D) Garbage Can: A plastic or galvanized metal can of a type commonly sold as a garbage can of a capacity not less than four (4) gallons and not to exceed thirty two (32) gallons, and each such can shall have two (2) handles upon sides of can or bail by which it may be lifted and shall have a tight fitting top. No garbage can shall exceed sixty (60) pounds in weight when filled.~~

~~APPROVED RECYCLABLE CONTAINER: Approved recyclable containers shall be:~~

(A) Brown Kraft Paper Bags: A one or two (2) layer container comprised of kraft paper most often used to contain groceries. For the purpose of containing recyclables, it may be used to separate newspapers from other paper and nonpaper recyclables.

(B) Recycling Bin: A plastic can of a type commonly sold as a recycling bin of a capacity not less than fourteen (14) gallons and not to exceed twenty (20) gallons, and each such can shall have two (2) handles upon sides of can or bail by which it may be lifted.

BIODEGRADABLE NATURAL FIBER TWINE: Twine that is chemically structured so that it rapidly decomposes primarily through the action of living soil borne microorganisms (bacteria, fungi and actinomycete) or macro organisms (crickets, slugs, sowbugs, millipedes, etc.).

BROWN KRAFT PAPER BAGS: A one or two (2) layer container comprised of kraft paper most often used to contain groceries.

BULK ITEMS: Garbage that is too large to fit in an approved garbage container including, but not limited to, boxes, barrels, crates, furniture, carpets, mattresses, box springs and other household appliances, except those items which are banned from direct disposal into a landfill.

BULK LANDSCAPE WASTE: Soft landscape waste and/or hard landscape waste in such volume as to warrant the use of toters.

CATALOG: A book containing an itemized list of names or articles arranged in order or classified.

CHIPBOARD: Single layer cardboard used for packaging cereal, crackers, tissue and other similar products.

CHIPPING: The mechanical process of breaking up woody, hard landscape wastes into smaller pieces to be used as a landscape mulch or as a bulking agent.

COMMERCIAL PREMISES: Any premises other than single family residences.

COMMERCIAL SCAVENGER SERVICE: The collection or disposal of refuse from premises other than single family residences.

CORRUGATED CARDBOARD: A usually sturdy paper product commonly used as packaging consisting of two (2) papergrades: a wavy inner portion and an outside liner.

ENVELOPES: A flat, folded paper container for a letter or similar object.

FROZEN FOOD PACKAGES: Paperboard containers with special coatings to prevent tearing of the packages or smearing of the ink from moisture when refrigerated or frozen.

GARBAGE: Discarded materials resulting from the handling, cooking, spoilage and leftovers of foodstuffs, discarded food or food residues, and paper necessarily used for wrapping same, and all types and kinds of waste materials from housekeeping activities, including but not limited to, ashes, metal, cans, bottles, books, glass, plastic, newspapers, boxes, cartons and small amounts of earth, rock or sod, small automobile parts and building materials, waste from residential type do it yourself projects, provided that all such materials are of a size sufficiently small to permit being placed in an approved garbage container, except those items which are banned from direct disposal into the landfill.

Garbage shall not include industrial wastes, waste from any manufacturing process, construction materials, broken concrete, lumber, large rocks, automobile parts (other than tires) or dangerous substances which may create a danger to the health, safety, comfort or welfare of

~~the residents of the Village of Willowbrook or items which are banned from direct disposal into a landfill.~~

~~GARBAGE STICKER: A special biodegradable paper stamped with the Willowbrook logo representing payment for garbage collection and disposal services to be rendered by the contractor.~~

~~HDPE: High-density polyethylene.~~

~~HARD LANDSCAPE WASTE: Brown stemmed branches and shrub prunings with large stems/trunks not to exceed five feet (5') in length and four inches (4") in diameter individually, excluding Christmas trees.~~

~~INDUSTRIAL WASTES: Any and all debris and waste products generated by canning, manufacturing, food processing, restaurant, land clearing, building construction or alteration and public works type construction projects whether performed by a governmental unit or other.~~

~~JUICE BOXES: Aseptic cartons consisting of high grade paperboard coated with polyethylene plastic and aluminum foil, excluding milk cartons.~~

~~JUNK MAIL: Brochures, advertisements, flyers, post cards, greeting cards, window envelopes, credit card bills and other similar correspondence.~~

~~KRAFT BAGS: Special biodegradable thirty (30) gallon paper bags which will shred and degrade quickly in the composting process and are not chemically treated.~~

~~LDPE: Low density polyethylene.~~

~~LANDSCAPE WASTE: Hard landscape waste and soft landscape waste.~~

~~LANDSCAPE WASTE STICKER (Also Sometimes Referred To As YARD WASTE STICKER): A special biodegradable sticker with glue that adheres to plastic and paper during weather extremes provided by the contractor to retailers for sale to the public wherein the purchase price includes the contractor's total collection, processing and sale/disposal costs for landscape waste.~~

~~MAGAZINES: Periodical publications.~~

~~MIXED PAPERS: Stationery, computer paper, note paper, letterhead and other similar papers.~~

~~PET: Polyethylene terephthalate.~~

~~POLYSTYRENE #6: A hard, rigid, dimensionally stable, clear thermoplastic polymer that is easily colored and molded for a wide variety of applications as a structural material.~~

~~PROPERLY PREPARED BULK ITEM: Bulk item to which is affixed a garbage sticker.~~

~~PROPERLY PREPARED GARBAGE: Garbage in an approved garbage container to which is affixed a garbage sticker.~~

~~PROPERLY PREPARED LANDSCAPE WASTE: Landscape waste in an approved landscape waste container to which is affixed a landscape waste sticker.~~

~~PROPERLY PREPARED RECYCLABLE: Recyclables in an approved recyclables container. Paper products are to be kept separate from nonpaper products. Customers may use separate recyclables containers for each or may segregate each within one recyclables container. Newspaper shall be kept separate from other recyclables and nonpaper recyclables by bundling~~

~~them with string or bagging them in brown kraft paper bags and setting them next to the recycling bin.~~

~~PROPERLY PREPARED REFUSE: Properly prepared bulk items, properly prepared garbage, properly prepared landscape waste, properly prepared recyclable and properly prepared white goods.~~

~~PROPERLY PREPARED WHITE GOODS: White goods to which are affixed three (3) garbage stickers.~~

~~RECYCLABLE (Also Referred To As RECYCLABLE MATERIALS): Materials which have a useful second life in the economic cycle if they are successfully collected, separated, processed and marketed for return to the economic mainstream. Recyclable materials shall include aluminum cans, tin/steel/bi-metal cans, newspaper and newspaper inserts, clear and colored glass bottles/containers, clear HDPE #2 plastic milk and water jugs, colored HDPE #2 narrownecked plastic containers, PET #1 plastic beverage containers, catalogs, magazines, kraft paper bags, telephone books, corrugated cardboard, junk mail, mixed papers, chipboard, 6-pack and 12-pack rings (LDPE #4), polystyrene #6 (food and packaging grades), aerosol cans, paint cans, envelopes, wet strength carrier stock, juice boxes, frozen food packages, aluminum foil, aluminum formed containers and any other items the Village and contractor agree to recycle in the future.~~

~~RECYCLING: The use, collection, and remanufacture of secondary materials as feedstock for the production of new materials or products.~~

~~RECYCLING BINS: A hard walled plastic container which can enclose recyclable materials to prevent spilling by wind or other elements when set out for collection.~~

~~REFUSE: All garbage, landscape waste, recyclables, bulk items and white goods.~~

~~RESIDENTIAL SCAVENGER SERVICE: The collection or disposal of refuse from single-family residences.~~

~~SINGLE FAMILY RESIDENCE: A free standing, detached, single family dwelling unit.~~

~~SOFT LANDSCAPE WASTE: Grass clippings, leaves, prunings of small diameter green-stemmed shrubs and plant stalks.~~

~~STEEL AEROSOL CANS: A hard, strong, durable container comprised of malleable alloys of iron and carbon encasing a gaseous suspension of fine solid or liquid particles.~~

~~TELEPHONE BOOKS: A book consisting of a cover made from one grade of paper and pages made from newsprint type grade paper on which names, addresses and telephone numbers, advertisements, basic information and other information are printed.~~

~~TOTER: A wheeled container in two (2) sizes (60 and 90 gallons), with cover, requiring a semi-automatic lifting mechanism for collection, and approved by and/or supplied and billed to the resident directly by the contractor for a monthly charge.~~

~~WET STRENGTH CARRIER STOCK: Rectangular-shaped paperboard containers with special coatings to prevent tearing of the containers or smearing of the ink from moisture when refrigerated. Wetstrength containers are most commonly used as carriers for beer and soda.~~

~~WHITE GOODS: Bulk items such as: refrigerators, range (electric and gas), freezers, room air conditioners, humidifiers, water heaters and other similar domestic and commercial large appliances. (Ord. 93-0-14, 8-9-1993, eff. 8-19-1993)~~

## **6-6-2: RESIDENTIAL SCAVENGER SERVICE - LICENSING; COMPETITIVE BIDDING; OTHER REQUIREMENTS:**

- (A) License Required: It shall be unlawful for any person to engage in residential scavenger service or in the collection or disposal of animal, vegetable or other refuse, recyclable materials or landscape waste from any single family residence, without first having obtained a license therefor.
- (B) Number Of Licenses: One license to engage in the business of providing residential scavenger service shall be issued and in force at any one time.
- (C) License Term: Each license awarded hereunder shall be an annual license, the term of which shall commence on January 1 of any given year and continue until December 31 of the same year. The annual license fee required shall be paid in full with no proration or abatement based on the date of any award of a residential scavenger service license.
- (D) License Fee: The annual fee for a license to engage in residential scavenger service shall be one thousand dollars (\$1,000.00).
- (E) Competitive Bidding: All residential scavenger service licenses shall be awarded to the lowest responsible bidder after advertising for bids, unless the bidding process is otherwise waived by the Corporate Authorities. Bid specifications for the award of residential scavenger service licenses shall set forth those standards and specifications deemed necessary or appropriate by the Corporate Authorities, to protect the health, safety and welfare of the residents of the Village.
- (F) Standards And Specifications: A residential scavenger service licensee shall at all times comply with each and every term, provision and condition set forth in the contract by and between the Village and such licensee.
- (G) Rates: The residential scavenger service licensee shall be permitted to charge such rates as are set forth in the contract by and between the Village and such licensee. (Ord. 93-O-14, 8-9-1993, eff. 8-19-1993)

## **6-6-3: COMMERCIAL SCAVENGER SERVICE - LICENSING; OTHER REQUIREMENTS:**

- (A) License Required: It shall be unlawful for any person to engage in commercial scavenger service or in the collection or disposal of animal, vegetable or other refuse, recyclable materials or landscape waste from any commercial premises without having first obtained a license therefor.
- (B) Number Of Licenses: There shall be no limit on the number of commercial scavenger service licenses; provided, however, that each licensee shall at all times comply with the standards and specifications set forth in this chapter.
- (C) License Term: Each license issued hereunder shall be an annual license, the term of which shall commence on January 1 of any given year and continue until December 31 of the same year. The annual license fee required hereunder shall be paid in full with no proration or abatement based on the date of issuance of a commercial scavenger service license.
- (D) License Applications: Applications for a commercial scavenger service license shall be made to the Village Clerk upon such forms and supplying such information as the Village Clerk may, from time to time, reasonably require for applications, and licenses issued hereunder shall be subject to the terms of this Code otherwise applicable to business licenses.

(E) License Fees: The annual fee for a license to engage in commercial scavenger service shall be one thousand dollars (\$1,000.00).

(F) Rates: Rates for commercial scavenger service shall be as agreed upon by and between the licensee and the commercial scavenger service customer.

(G) Standards:

1. Performance Bond: Prior to the issuance of any license, the licensee shall file with the Village Clerk a performance bond in the amount of five thousand dollars (\$5,000.00) with sureties, in a form acceptable to the Village.

2. Insurance: Prior to the issuance of any license, the licensee shall provide the Village with evidence that said licensee has currently in force adequate worker's compensation insurance and a policy of general liability insurance with such limits and coverages as the Village may from time to time require. Each licensee shall indemnify and hold the Village harmless from and against claims for damages arising by reason of the performance or nonperformance of the licensee hereunder or by reason of any act or omission of said licensee. The Village Clerk shall require the licensee to produce a certificate of insurance indicating the insurance required hereunder shall be in force during the term of the license; said certificate to reflect that the Village shall be an insured party thereunder.

3. Truck And Equipment Regulations: All garbage and landscape waste shall be hauled and collected in exclusively modern, neat, enclosed, nonleakable, rear, front or side loading packer type motor trucks, equipped with a loading mechanism that is designed in such a way that the entry for such refuse into the vehicle's collecting body will be exposed only for the time actually required to deposit the materials as collected along the route. Commercial scavenger service licensees shall keep all equipment used in the performance of its work in a clean, sanitary and quiet operating condition. All recyclables collected by any commercial scavenger service licensee shall be transported in exclusively modern, neat, clean, nonleakable recycling vehicles loaded, contained and hauled so that leaking, spilling and blowing are prevented.

All trucks used for refuse collection shall at all times be provided with a broom and shovel for use by the commercial scavenger service licensee's personnel. Commercial scavenger service licensees shall clean up all refuse which may be scattered or dropped in the process of transporting or conveying these materials to the truck for collection or while said truck is in motion between stops or en route to the landfill, compost or processing center.

All commercial scavenger service licensees shall, at all times, keep said equipment in first class working order and condition. The exterior and interior of such equipment shall be kept thoroughly washed and cleansed with some approved deodorant at all times.

4. Proper Disposal: All refuse collected by a commercial scavenger service licensee shall be disposed of by the commercial scavenger service licensee at his own expense outside the corporate limits of the Village. Recyclable refuse shall be disposed of at a proper processing facility or a materials vendor. Landscape waste shall be disposed of at a site in conformance with State requirements. It shall be unlawful for any commercial scavenger service licensee to dispose of or store any refuse in any place within the Village limits.

All refuse collected by any commercial scavenger service licensee shall be disposed of in accordance with all applicable Statutes of the State of Illinois and the ordinances of the Village.

5. Holiday Pickups: When a scheduled pickup date falls on a holiday, the refuse shall be picked up on the next business day occurring immediately thereafter.

6. Customer Service: Each commercial scavenger service licensee shall provide an area office and telephone number for the receipt of service calls or complaints, and shall have an employee available to receive such calls on working days from eight o'clock (8:00) A.M. to four o'clock (4:00) P.M. Complaints shall be given prompt and courteous attention. In case of missed scheduled collections, the commercial scavenger service licensee shall investigate and, if the claim is valid, shall arrange for a pickup of the refuse in question within twenty four (24) hours after the complaint is received. Any complaints received at the Village Hall will be immediately forwarded to the commercial scavenger service licensee who shall arrange for a pickup of any missed service. All commercial scavenger service licensees shall maintain a log of every complaint received, the date received, the person making the complaint, any action taken and the date such action is taken. Such complaint log shall at all times be available for inspection by the Village.

7. Alcohol Prohibited: It shall be unlawful for any commercial scavenger service licensee, its agents, servants or employees, to be performing scavenger services within the Village while under the influence of intoxicating liquors. Said violation will subject a commercial scavenger service licensee to license revocation.

8. Terms Of Pickup: A commercial scavenger service licensee shall collect and pick up all refuse from each premises served by said licensee. There shall be no curb pickup.

Collection shall be made from each premises at least once each week, according to a schedule to be agreed upon by the commercial scavenger service licensee and the commercial customer.

9. Certain Hours Prohibited: It shall be unlawful for any commercial scavenger service licensee to collect, pick up or dispose of refuse or other material within the corporate limits of the Village from ten o'clock (10:00) P.M. to six o'clock (6:00) A.M. (Ord. 93 O-14, 8-9-1993, eff. 8-19-1993)

10. Recyclable Materials: All commercial scavenger service licensees which provide services to multiple family residential premises shall make available to such premises at a competitive rate, the collection, separate from other refuse, and recycling of not less than nine (9) gallons per week per dwelling unit of the following recyclables:

- (a) Aluminum cans.
- (b) Tin/steel/bimetal cans.
- (c) Clear and colored glass bottles/containers.
- (d) Mixed papers.
- (e) Newspaper and newspaper inserts.
- (f) Junk mail.
- (g) Magazines.

Such collection shall take place at least once each week, according to a schedule to be agreed upon by the commercial scavenger service licensee and the customer. (Ord. 94 O-07, 3-14-1994)

11. Monthly Reports: All commercial scavenger service licensees which provide recyclable collection service shall submit monthly reports indicating the volume of materials collected from residential premises (other than single family residences) in the form required by the Director of Municipal Services. (Ord. 96 O-17, 10-28-1996, eff. 1-1-1997; amd. Ord. 05 O-32, 11-14-2005)

## **6-6-4: REFUSE ACCUMULATION, STORAGE AND DISPOSAL STANDARDS APPLICABLE TO ALL PREMISES WITHIN THE VILLAGE:**

~~The following regulations shall apply to all persons receiving either residential or commercial scavenger service, except as otherwise noted:~~

### **(A) Generally:**

- ~~1. It shall be the duty of every owner, occupant and/or agent of any premises located within the Village to keep said premises free and clear from refuse at all times.~~
- ~~2. Cleanliness or neatness of any private street is a direct responsibility of the owners or tenants who occupy the premises adjacent to such street. It shall be unlawful for any person to permit the accumulation of any refuse on that portion of any private street adjacent to any such person's premises unless such refuse is properly enclosed in waste containers.~~
- ~~3. Refuse shall be removed from any and all premises within the Village at least once a week; provided, however, every owner, occupant and/or agent of any premises shall cause all refuse to be removed from any and all premises as often as is necessary to comply with subsection (A)1 of this section.~~
- ~~4. It shall be the duty of every person owning or occupying any premises, or portions thereof, to remove or cause to be removed therefrom, before vacating the same, any and all refuse or any other waste.~~
- ~~5. No person shall permit any refuse to accumulate within the Village unless said refuse shall be suitably enclosed in waste containers.~~
- ~~6. All waste containers shall be as previously defined and no other type of container shall be acceptable. A sufficient number of waste containers for a weekly accumulation of refuse shall be provided and at all times maintained in good order and repair by the owner, occupant or agent of any premises in the Village. All waste containers shall be kept clean and disinfected with an antiseptic solution as often as necessary to maintain them in a sanitary condition. Filthy, leaky or defective receptacles shall be cleaned, repaired or replaced by the owner, occupant or agent of the premises served.~~
- ~~7. It shall be the duty of the owner, occupant or agent of any premises to cause all refuse produced on the premises to be thoroughly drained of all surplus liquid, securely wrapped or bagged in paper or plastic, bundled or packed in a covered box or carton of such dimensions as will permit its free passage into and out of the waste container, and finally deposited, after such wrapping, bagging, bundling or packaging in such waste container, as soon as practicable after the same is produced thereon. All refuse shall be securely wrapped, bagged, bundled or packed in such a manner as may be necessary to prevent the scattering of same, and shall be deposited in a waste container as prescribed herein.~~

### **(B) Additional Regulations For Residential Scavenger Service: Notwithstanding any provision in this section to the contrary, the following regulations shall apply to all persons receiving residential scavenger service:**

- ~~1. The owner or occupant of every single family residence shall provide and maintain in good condition and repair not less than one approved garbage container.~~
- ~~2. Approved landscape waste containers, approved garbage containers, approved recyclable containers and bulk items are to be stored at the side or rear of the residence except from three o'clock (3:00) P.M. on the day prior to collection to seven o'clock (7:00) P.M. on the~~

~~day of collection, when said approved landscape waste containers, approved garbage containers, approved recyclable containers and bulk items may be placed at the curb.~~

- ~~3. An unlimited amount of properly prepared refuse may be placed for collection and pickup.~~
- ~~4. A user fee which shall be determined from time to time by the contract entered into between the Village and the residential scavenger service licensee shall be imposed for the collection of refuse, excluding recyclables. The Village will maintain a list of locations at which garbage stickers and landscape waste stickers may be purchased. Garbage stickers and landscape waste stickers will be available for purchase at the Village Hall.~~

~~(C) Additional Regulations For Commercial Scavenger Service: Notwithstanding any provision in this section to the contrary, the following regulations shall apply to all persons receiving commercial scavenger service:~~

- ~~1. Waste containers may be located anywhere on a lot except in a required front yard or in a required exterior side yard. Said containers must be adequately screened from public view with a solid type fencing not less than five feet (5') in height provided that the height of said fencing shall exceed by no more than twelve inches (12") the height of the waste container(s). Said fencing shall enclose the waste container(s) on no less than three (3) sides.~~
- ~~2. A special pickup shall be arranged for all bulk items and said bulk items shall remain within an enclosed building until said special pickup. (Ord. 93-O-14, 8-9-1993, eff. 8-19-1993)~~

#### **6-6-5: PROHIBITED ACTS:**

~~It shall be unlawful:~~

- ~~(A) For any person, other than the residential scavenger service licensee, to purchase and/or collect recyclable materials from any single family residence.~~
- ~~(B) For any person receiving residential scavenger service to place for collection or pickup any refuse unless it is properly prepared refuse.~~
- ~~(C) For any person receiving residential scavenger service to mix landscape waste that is intended for collection or disposal with any garbage or recyclable material.~~
- ~~(D) For any person receiving residential scavenger service to place for collection or disposal any garbage or landscape waste contained in an approved recyclable container.~~
- ~~(E) For any person, other than the owner, to:~~
  - ~~1. Obtain or exert unauthorized control over a Village landscape waste sticker, recycling bin or garbage sticker; or,~~
  - ~~2. Obtain, by deception, control over a Village landscape waste sticker, recycling bin or garbage sticker; or,~~
  - ~~3. Obtain, by threat, control over a Village landscape waste sticker, recycling bin or garbage sticker; or,~~
  - ~~4. Obtain control of a stolen Village landscape waste sticker, recycling bin or garbage sticker, knowing any of such to have been stolen or under such circumstances as would reasonably induce such person to believe that any of such property was stolen; and, when such person:~~

- \_\_\_\_ (a) ~~Intends to deprive the owner permanently of the use or benefit of any of such property; or,~~
- \_\_\_\_ (b) ~~Knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit; or,~~
- \_\_\_\_ (c) ~~Uses, conceals or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.~~
- \_\_\_\_ (F) ~~For any owner or occupant of any premises to fail to remove any and all refuse before vacating any such premises.~~
- \_\_\_\_ (G) ~~For any person to bury refuse at any time within the Village.~~
- \_\_\_\_ (H) ~~For any person to permit the storage of or to store any refuse in any such way as to create a fire hazard.~~
- \_\_\_\_ (I) ~~For any person to dump, deposit or place any refuse upon real property owned by another without the consent of the owner or person in possession of such real property, and otherwise in conformance with all applicable regulations set forth in this chapter.~~
- \_\_\_\_ (J) ~~For any person to sweep or deposit any sweeping from any sidewalk, driveway, building or any construction activity onto any public or private street. (Ord. 93-O-14, 8-9-1993, eff. 8-19-1993)~~

#### **6-6-6: MANDATORY REMOVAL OF REFUSE; LIEN:**

- \_\_\_\_ (A) ~~It shall be unlawful for any person who is the owner or occupant of any property to fail to remove therefrom all refuse, litter or any other debris or to allow the accumulation thereon.~~
- \_\_\_\_ (B) ~~Should any person owning or occupying property within the Village refuse to or neglect to remove any refuse, litter or debris as required by this section, within ten (10) days of issuance of a written notice to do so, the Village may cause said refuse, litter or debris to be removed.~~
- \_\_\_\_ (C) ~~Upon removal of any refuse, litter or debris from property as prescribed in this section after a failure of the owner or occupant of such property to do so, the cost of such removal shall be paid within ten (10) days after mailing of a statement of said costs to the owner.~~
- \_\_\_\_ ~~Within sixty (60) days after such costs and expense is incurred and upon the failure of the owner or occupant of said property to reimburse the Village for expenses in removal of said refuse, litter or debris, the Village Clerk, in the name of the Village, shall file a notice of lien in the Office of the Recorder of Deeds of DuPage County, which shall be a lien against the real estate superior to all other liens and encumbrances except tax liens. However, said lien shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to removal of the refuse, litter or debris and prior to the filing of notice of lien, and said lien shall not be valid as to any mortgage, judgment creditor or other lienor whose rights in and to such real estate arose prior to the filing of such notice of lien. The notice shall consist of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the service, and the date or dates when such cost and expense were incurred.~~
- \_\_\_\_ (D) ~~The owner or occupant interested in such property may cause said lien to be released by paying to the Village Clerk such cost and expenses incurred by the Village in the process of removing said refuse, litter or debris from the liened premises. (Ord. 93-O-14, 8-9-1993, eff. 8-19-1993)~~

**6-6-7: SUSPENSION OR REVOCATION OF LICENSE:**

~~Any residential or commercial scavenger service licensee who violates any provision of this chapter shall be subject to license suspension or revocation proceeding as otherwise provided for by this Code, in addition to any and all other remedies available to the Village. (Ord. 93-O-14, 8-9-1993, eff. 8-19-1993)~~

**6-6-8: PENALTIES:**

~~Any person convicted of a violation of any provision of this chapter shall be fined a sum as provided for in the general penalty provisions of this Code. Such penalty shall be in addition to the obligation to pay any and all costs otherwise provided for in this chapter. (Ord. 93-O-14, 8-9-1993, eff. 8-19-1993)~~

DRAFT

**PROPOSED: CHAPTER 6 – *RESERVE*.**

DRAFT

## **EXISTING: CHAPTER 7 – ~~OPEN BURNING~~**

### **~~7.1: LEGISLATIVE DECLARATION:~~**

~~The President and Board of Trustees find that the pollution of the air of this Village constitutes a menace to public health and welfare, creates public nuisances, adds to cleaning costs, accelerates the deterioration of materials, adversely affects agriculture, business, industry, recreation, climate and visibility, depresses property values and offends the senses.~~

~~It is the purpose of this chapter to restore, maintain and enhance the purity of the air of this Village in order to protect health, welfare, property and the quality of life and to assure that no air contaminants are discharged into the atmosphere without being given the degree of treatment of control necessary to prevent pollution. (Ord. 81-O-42, 12-14-1981)~~

**~~6-7-2: DEFINITIONS:~~**

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

~~AIR POLLUTION: The presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life, to health or to property or to unreasonably interfere with the enjoyment of life or property.~~

~~CONTAMINANT: Any solid, liquid or gaseous matter, any odor or any form of energy, from whatever source.~~

~~GARBAGE: Waste resulting from the handling, processing, preparation, cooking and consumption of food, and the waste from the handling, processing, storage and sale of produce.~~

~~OPEN BURNING: The combustion of any matter in the open or in an open dump.~~

~~PERSON: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency or any other legal entity, or their legal representative, agent or assigns.~~

~~REFUSE: Any garbage or other discarded material, including solid, liquid, semi-solid or containing gaseous material. (Ord. 81-O-42, 12-14-1981)~~

**~~6-7-3: ACTS PROHIBITED:~~**

~~No person shall:~~

~~(A) Cause or threaten to allow the discharge or emission of any contaminant into the environment in the Village so as to cause or tend to cause air pollution in the Village, either alone or in combination with contaminants from other sources, or so as to violate regulations and standards adopted by the Pollution Control Board of the State of Illinois.~~

~~(B) Construct, install or operate any equipment, facility, vehicle, vessel or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, of any type designated by the regulations of the Illinois Pollution Control Board, without a permit granted by the Environmental Protection Agency of the State of Illinois, or in violation of any conditions imposed by such permit.~~

~~(C) Cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Environmental Protection Agency of the State of Illinois pursuant to regulations adopted by the Illinois Pollution Control Board; except that the Illinois Pollution Control Board may adopt regulations permitting open burning of refuse in certain cases upon a finding that no harm will result from such burning, or that any alternative method of disposing of such refuse would create a safety hazard too extreme as to justify the pollution that would result from such burning.~~

~~(D) Cause or allow the open burning of leaves, weeds, yard trimmings, yard debris and/or tree branches. (Ord. 81-O-42, 12-14-1981)~~

DRAFT

**PROPOSED: CHAPTER 7 – *RESERVE*.**

DRAFT

## **EXISTING: CHAPTER 8 – ~~WATER SERVICE~~**

### **6-8-1: DEFINITION:**

~~The term "water system of the Village of Willowbrook" shall mean all physical assets used for the production, storage and distribution of water whether owned, operated, leased, purchased, possessed or maintained by the Village of Willowbrook. (Ord. 78 O-11, 2-27-1978)~~

### **6-8-2: CONNECTION:**

~~(A) Permit:~~

1. Connection And Permit Required: It shall be the duty of the owner and/or occupant of any house, dwelling, building, factory or industrial or commercial establishment, adjacent to the water system of the Village of Willowbrook, to cause such premises to be connected to such system. It shall be the duty of the owner and/or occupant of any house, dwelling, building, factory or industrial or commercial establishment which is rendered adjacent to the water system of the Village of Willowbrook to cause such premises to be connected to such system within two (2) years of the date upon which such premises are rendered adjacent to such system.

For purposes of this subsection, premises shall be deemed to be adjacent to the water system of the Village where a water main is located in a public right of way or easement contiguous to such premises and said water main extends along the entire frontage of such premises. Further, premises shall not be deemed to be adjacent to the water system of the Village where connection to such system would require tunneling or boring for a distance of greater than two hundred feet (200') under any roadway, building or flowing stream. (Ord. 04-O-18, 4-26-2004)

No person shall make any connection to the water system of the Village without first having obtained a permit therefor. Application for permits shall be made to the Director of Municipal Services on the form provided by the Village and shall be accompanied by the following: (Ord. 04-O-18, 4-26-2004; amd. Ord. 05-O-32, 11-14-2005)

(a) Payment of all applicable fees and charges.

(b) A sketch plan showing the location of the proposed service line and the point at which the main will be tapped. (Ord. 04-O-18, 4-26-2004)

All permits shall be signed by the Director of Municipal Services.

The Board of Trustees may, by ordinance, grant variations from the regulations imposed under this subsection. An application for a variation shall be filed with the Director of Municipal Services, and shall identify the specific unique circumstances affecting the subject property and the specific detriment which would result in the absence of the requested variation. The Director of Municipal Services shall promptly review each application and forward the same, along with recommendations thereon, to the Board of Trustees. No variation shall be granted unless unique circumstances affecting the subject property, not of the property owner's creation, would result in some substantial detriment in the absence of the requested variation, nor shall a variation be granted if any material detriment to the public health, safety or welfare would result therefrom. Financial hardship shall not constitute unique circumstances or a substantial detriment for the purposes of this subsection. The Board of Trustees may impose such conditions or restrictions upon the grant of any variation as may be necessary or appropriate to further the purpose and intent of the connection requirements of this subsection.

2. Denial Of Permit, Hearing: The Director of Municipal Services may deny a connection permit for any one or more of the following reasons: (Ord. 04-O-18, 4-26-2004; amd. Ord. 05-O-32, 11-14-2005)

(a) The application for a permit is not complete in accordance with subsection (A)1 of this section;

(b) The person who is to make the connection to the water system is not a licensed plumber;

— (c) A licensed plumber set forth in the application has previously violated any rules or regulations contained in this chapter governing the making of connections to the water system of the Village;

— (d) A licensed plumber set forth in the application has previously made any connection to the water system of the Village in a manner which endangered the potable water supply of the Village or any portion thereof, or in a manner which evidenced a negligent disregard for the safety of the potable water supply of the Village, or any portion thereof. (Ord. 04-O-18, 4-26-2004)

— If the Director of Municipal Services denies any connection permit, he shall notify the applicant in writing of the denial and the reasons therefor. Any person aggrieved by a decision of the Director of Municipal Services in denying any connection permit shall have the right to appeal to the Municipal Services Committee of the Village in accordance with the procedural guidelines set forth in section 3-1-15 of this Code.

— 3. Suspension, Revocation Of Permits: The Director of Municipal Services shall have the right to suspend any connection permit and issue a stop work order for a period not to exceed fourteen (14) days if any person: (Ord. 04-O-18, 4-26-2004; amd. Ord. 05-O-32, 11-14-2005)

— (a) Violates any rule or regulation contained in this chapter governing the making of connections to the water system of the Village; or

— (b) Performs any work so as to endanger the potable water supply of the Village or any portion thereof, or which evidences a negligent disregard for the safety of the potable water supply of the Village, or any portion thereof. (Ord. 04-O-18, 4-26-2004)

— Within seven (7) days after the Director of Municipal Services has so acted, the Municipal Services Committee shall call a hearing for the purpose of determining whether or not the permit should be revoked. (Ord. 04-O-18, 4-26-2004; amd. Ord. 05-O-32, 11-14-2005)

— Notice of the hearing shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the permittee at his last known address, at least five (5) days prior to the date set for the hearing.

— At the hearing, the Village Attorney shall present the complaint and shall represent the Village. The permittee shall be permitted counsel and shall have the right to submit evidence and cross examine witnesses.

— (B) Location And Cost: All connections to the water system of the Village of Willowbrook shall be made at the water main by a licensed plumber. Each applicant shall provide and pay for the cost of construction, both labor and materials, of the water service from the main to the premises to be served. Any licensed plumber performing work under this Code shall have on file with the Village of Willowbrook a properly executed bond. (Ord. 04-O-18, 4-26-2004)

— (C) Meters: All connections to the Village of Willowbrook water system must be metered with a meter and outside reading device furnished by the Village of Willowbrook unless excepted by subsection (F)5 of this section; however, the use and installation of outside reading devices will be at the discretion of the Village of Willowbrook. The cost of each such meter and reading device shall be paid by the applicant as part of the building permit fee. Such meter and reading device shall, however, be the property of the Village of Willowbrook. (Ord. 04-O-18, 4-26-2004; amd. Ord. 05-O-12, 5-9-2005)

— ~~All meters and reading devices provided for herein shall be installed by employees of the Village of Willowbrook's Department of Municipal Services in a location that will be easily accessible to both applicant and any officer or employee of the Village of Willowbrook. (Ord. 04-0-18, 4-26-2004; amd. Ord. 05-0-32, 11-14-2005)~~

— ~~The cost of any repair or replacement of a meter or reading device shall be borne by the Village of Willowbrook, except in the event that the repair or replacement was necessitated by the negligence of any user.~~

— ~~Any meter in excess of two inches (2") must be a compound meter.~~

— ~~(D) Installment And Inspection Of Water System Connections: The following regulations shall be applicable to any person making connection to the water system of the Village:~~

— 1. ~~All water system connections, including meter installation or well disconnections, shall be performed between the hours of seven o'clock (7:00) A.M. and three thirty o'clock (3:30) P.M. Monday through Friday.~~

— 2. ~~The licensed plumber performing such work shall give twenty four (24) hours' advance notice to the Village prior to any work being performed.~~

— 3. ~~All water system connections, including backfilling, shall be completed within two (2) working days.~~

— 4. ~~The Village must inspect and approve each water system connection before backfilling.~~

— 5. ~~The licensed plumber performing such work shall notify the Village and request an inspection before backfilling is permitted. (Ord. 04-0-18, 4-26-2004)~~

— 6. ~~Restoration of all rights of way shall be completed within thirty (30) days after the licensed plumber begins work under any permit. An extension for completing the restoration may be granted only with written authorization from the Director of Municipal Services. (Ord. 04-0-18, 4-26-2004; amd. Ord. 05-0-32, 11-14-2005)~~

— 7. ~~All work shall otherwise be in conformance with the provisions of this chapter. (Ord. 04-0-18, 4-26-2004)~~

— ~~(E) Opening Valves: No service to any user shall be turned on or valve opened by any person other than the Director of Municipal Services or other duly authorized employee of the Department of Municipal Services of the Village of Willowbrook. (Ord. 04-0-18, 4-26-2004; amd. Ord. 05-0-32, 11-14-2005)~~

— ~~(F) Connection Charge: All charges for making connection to the water system of the Village shall be payable at the time of any application and shall be in the following amounts:~~

— 1. ~~Single Family Detached Residences: The Village shall require that all single family detached residences connect to the water system with a minimum tap and service connection in accordance with section 890.1200 of the Illinois Plumbing Code or a one and one half inch (1 1/2") service, whichever is greater. The fee for a single family detached residential connection shall be six hundred dollars (\$600.00). This requirement shall apply to all new construction, as well as scheduled demolition and reconstruction.~~

— 2. ~~Multi Family Residences: All multi family residences (including, but not by way of limitation, all apartments, condominiums, duplexes or townhouses):~~

—

<b>Tap</b>	
<del>1 1/2 inch</del>	<del>\$600.00 plus \$100.00 per acre or any part thereof</del>
<del>2 inch</del>	<del>\$900.00 plus \$100.00 per acre or any part thereof</del>
<del>3 inch</del>	<del>\$1,200.00 plus \$100.00 per acre or any part thereof</del>
<del>4 inch</del>	<del>\$1,500.00 plus \$100.00 per acre or any part thereof</del>
<del>5 inch</del>	<del>\$2,000.00 plus \$100.00 per acre or any part thereof</del>
<del>6 inch</del>	<del>\$3,000.00 plus \$100.00 per acre or any part thereof</del>
<del>7 inch</del>	<del>\$4,000.00 plus \$100.00 per acre or any part thereof</del>
<del>8 inch</del>	<del>\$5,000.00 plus \$100.00 per acre or any part thereof</del>
<del>9 inch</del>	<del>\$6,200.00 plus \$100.00 per acre or any part thereof</del>
<del>10 inch</del>	<del>\$7,500.00 plus \$100.00 per acre or any part thereof</del>
<del>11 inch</del>	<del>\$8,800.00 plus \$100.00 per acre or any part thereof</del>
<del>12 inch</del>	<del>\$10,000.00 plus \$100.00 per acre or any part thereof</del>

~~In the case of one meter servicing all multi-family units, the connection charge set forth above shall be considered a charge applicable to the first unit of any such multi-family structure. An additional connection charge of three hundred dollars (\$300.00) shall be payable for each additional apartment, condominium, townhouse or other dwelling or living unit within such multi-family structure.~~

— 3. Nonresidential: All nonresidential water connection fees:

<b>Meter Size</b>	<b>Fee</b>
<del>1 1/2 inch and smaller meter</del>	<del>\$1,600.00</del>
<del>2 inch meter</del>	<del>2,200.00</del>
<del>3 inch meter</del>	<del>2,800.00</del>
<del>4 inch meter</del>	<del>3,700.00</del>
<del>6 inch meter</del>	<del>6,300.00</del>

~~The use of any meter of a size other than those specified in the schedule set forth herein shall result in the payment of the connection charge applicable to the next largest meter provided for in the schedule aforesaid.~~

— 4. Additional Connection Charges:

— (a) Definitions:

— (1) Unit:

— A. Living quarters devoted to single family use and occupancy, whether such quarters be attached or detached or described as apartments, condominiums, townhouses or duplexes.

\_\_\_\_\_ B. For an improvement devoted to any other use other than that defined in the subsection above, units shall be computed at the rate of three (3) units per each acre or part thereof.

\_\_\_\_\_ (2) Front Footage: The footage of any side of a lot or parcel directly adjacent and contiguous to a right of way or easement in which the improvement shall be located, irrespective of whether such side of the particular lot or parcel would be customarily referred to as a front, rear or side lot line.

\_\_\_\_\_ (b) 75th Street Improvement: The 75th Street twelve inch (12") water main extension as fully detailed on the construction plans and drawings prepared by Wight & Company, Downers Grove, Illinois, and known as project no. 75-6372-13, dated October 11, 1977.

\_\_\_\_\_ (1) Direct Benefit:

\_\_\_\_\_ A. The following parcel is deemed to receive a direct benefit from the construction of the improvement:

\_\_\_\_\_ That parcel located on the north side of 75th Street east of Eleanor Street, being approximately 200 feet by 192.9 feet, located in the northwest quarter of Section 26, Township 38 north, Range 11 east of the Third Principal Meridian, in DuPage County, Illinois.

\_\_\_\_\_ Upon application for connection permit, the parcel identified above as a parcel receiving a direct benefit from the improvement, shall pay to the Village Clerk as an additional connection fee, the sum of ten dollars ninety seven cents (\$10.97) per front foot, multiplied by the lot frontage, as heretofore defined in this section together with a sum equal to seven percent (7%) per annum thereon from January 1, 1978. Said additional connection charges shall be in addition to those connection charges otherwise provided for in this chapter.

\_\_\_\_\_ (c) Bentley Avenue And 65th Street Improvement: The Bentley Avenue and 65th Street water main project as fully detailed in the plans and specifications prepared by Frank Novotny Associates, Inc., and known as project #6600-6500.

\_\_\_\_\_ (1) Direct Benefit:

\_\_\_\_\_ A. All lots or parcels located within the following areas are deemed to receive a direct benefit from the construction of the improvement:

\_\_\_\_\_ The west half of the south half of the south half of the southwest quarter of the northeast quarter of the northeast quarter (Common Address 6446 Tennessee Avenue);

\_\_\_\_\_ ALSO

\_\_\_\_\_ Lot 2 of Howard's Plat of Resubdivision being a subdivision in the west half of the northeast quarter (Common Address 6533 Bentley Avenue);

\_\_\_\_\_ All in Section 22, Township 38 north, Range 11 east of the Third Principal Meridian, in DuPage County, Illinois.

\_\_\_\_\_ Upon application for a connection permit, each of the lots or parcels identified above as a lot or parcel receiving a direct benefit from the improvement shall pay to the Village Clerk as an additional connection charge, the sum of twenty two dollars seventy one cents (\$22.71) per foot of "front footage" as heretofore defined in this section, together with a sum equal to seven percent (7%) per annum thereon from June 20, 1991. Said additional connection charges shall be in addition to those connection charges otherwise provided for in this chapter.

\_\_\_\_ (d) ~~58th Place And Holmes Avenue Improvement: The 58th Place and Holmes Avenue water main project as fully detailed in the plans and specifications prepared by Christopher B. Burke Engineering, Ltd., and known as project #90-144H1.~~

\_\_\_\_ (1) ~~Direct Benefit:~~

\_\_\_\_ A. ~~All lots or parcels located within the following areas are deemed to receive a direct benefit from the construction of the improvement:~~

\_\_\_\_ ~~Lots 104, 105 and 106 in The Woman's Subdivision of Lot 7 of Hall's Subdivision (Common Address 101 58th Place);~~

\_\_\_\_ ALSO

\_\_\_\_ ~~Lots 107, 108 and 109 in The Woman's Subdivision of Lot 7 of Hall's Subdivision (Common Address 105 58th Place);~~

\_\_\_\_ ALSO

\_\_\_\_ ~~Lots 110, 111 and 112 in The Woman's Subdivision of Lot 7 of Hall's Subdivision (Common Address 109 58th Place);~~

\_\_\_\_ ALSO

\_\_\_\_ ~~Lots 113, 114 and 115 in The Woman's Subdivision of Lot 7 of Hall's Subdivision (Common Address 113 58th Place);~~

\_\_\_\_ ALSO

\_\_\_\_ ~~Lots 116, 117 and 118 in The Woman's Subdivision of Lot 7 of Hall's Subdivision (Common Address 117 58th Place);~~

\_\_\_\_ ALSO

\_\_\_\_ ~~Lots 119, 120 and 121 in The Woman's Subdivision of Lot 7 of Hall's Subdivision (Common Address 121 58th Place);~~

\_\_\_\_ ALSO

\_\_\_\_ ~~Lots 122, 123 and 124 in The Woman's Subdivision of Lot 7 of Hall's Subdivision (Common Address 125 58th Place);~~

\_\_\_\_ ALSO

\_\_\_\_ ~~Lots 125, 126 and 127 in The Woman's Subdivision of Lot 7 of Hall's Subdivision (Common Address 129 58th Place);~~

\_\_\_\_ ALSO

\_\_\_\_ ~~Lots 128, 129, 130 and 131 in The Woman's Subdivision of Lot 7 of Hall's Subdivision (Common Address 201 58th Place);~~

\_\_\_\_ ALSO

\_\_\_\_ ~~Lots 74, 75, 76 and 77 in The Woman's Subdivision of Lot 7 of Hall's Subdivision (Common Address 202 58th Place);~~

\_\_\_\_ ALSO

\_\_\_\_\_  
Lots 132, 133, 134 and 135 in The Woman's Subdivision of Lot 7 of Hall's Subdivision (Common Address 209 58th Place);

\_\_\_\_\_  
ALSO

\_\_\_\_\_  
Lots 70, 71, 72 and 73 in The Woman's Subdivision of Lot 7 of Hall's Subdivision (Common Address 210 58th Place);

\_\_\_\_\_  
ALSO

\_\_\_\_\_  
Lots 45, 46 and the south half of lot 44 in Block 2 of Kopje's of Hinsdale Subdivision (Common Address 5805 Holmes Avenue);

\_\_\_\_\_  
ALSO

\_\_\_\_\_  
Lots 42, 43 and the north half of lot 44 in Block 2 of Kopje's of Hinsdale Subdivision (Common Address 5809 Holmes Avenue);

\_\_\_\_\_  
ALSO

\_\_\_\_\_  
Lots 40 and 41 in Block 2 of Kopje's of Hinsdale Subdivision (Common Address 5819 Holmes Avenue);

\_\_\_\_\_  
ALSO

\_\_\_\_\_  
Lots 38 and 39 in Block 2 of Kopje's of Hinsdale Subdivision (Common Address 5835 Holmes Avenue);

\_\_\_\_\_  
ALSO

\_\_\_\_\_  
Lots 36 and 37 in Block 2 of Kopje's of Hinsdale Subdivision (Common Address 5837 Holmes Avenue);

\_\_\_\_\_  
ALSO

\_\_\_\_\_  
Lots 34 and 35 in Block 2 of Kopje's of Hinsdale Subdivision (Common Address 5839 Holmes Avenue);

\_\_\_\_\_  
ALSO

\_\_\_\_\_  
Lots 32 and 33 in Block 2 of Kopje's of Hinsdale Subdivision (Common Address 5841 Holmes Avenue);

\_\_\_\_\_  
ALSO

\_\_\_\_\_  
Lots 30 and 31 in Block 2 of Kopje's of Hinsdale Subdivision (Common Address 5843 Holmes Avenue);

\_\_\_\_\_  
ALSO

\_\_\_\_\_  
Lots 28 and 29 in Block 2 of Kopje's of Hinsdale Subdivision (Common Address 5845 Holmes Avenue);

\_\_\_\_\_  
ALSO

\_\_\_\_\_  
Lots 25, 26 and 27 in Block 2 of Kopje's of Hinsdale Subdivision (Common Address 5847 Holmes Avenue);

~~All in Section 14, Township 38 north, Range 11 east of the Third Principal Meridian, in DuPage County, Illinois.~~

~~Upon application for a connection permit, each of the lots or parcels identified above as a lot or parcel receiving a direct benefit from the improvement shall pay to the Village Clerk as an additional connection charge, the sum of three thousand seventy three dollars thirty seven cents (\$3,073.37), together with a sum equal to seven percent (7%) per annum thereon from January 13, 2003. Said additional connection charges shall be in addition to those connection charges otherwise provided for in this chapter.~~

~~(e) Western Avenue Water Main Extension Project: The Western Avenue water main extension project as fully detailed in the plans and specifications prepared by Christopher B. Burke Engineering, Ltd., and known as project #90-144H19.~~

~~(1) Direct Benefit:~~

~~A. All lots or parcels located within the following areas are deemed to receive a direct benefit from the construction of the improvement:~~

~~Lot 17 (except the west 394.91 feet and except the east 116.95 feet) in Clarendon Hills Acre Estates (Common Address 365 59th Street);~~

~~ALSO~~

~~The East 180.00 feet of the west 394.00 feet of lot 40 in Clarendon Hills Farms (Common Address 370 59th Street);~~

~~ALSO~~

~~Lot 17 (except the west 234.91 feet and except the east 233.91 feet) in Clarendon Hills Acre Estates (Common Address 367 59th Street);~~

~~ALSO~~

~~The west 234.91 feet of Lot 17 of the Clarendon Hills Acre Estates (Common Address 5905 Western Avenue);~~

~~ALSO~~

~~The north 165.5 feet of the west  $\frac{1}{2}$  of Lot 18 of the Clarendon Hills Acre Estates (Common Address 5929 Western Avenue);~~

~~ALSO~~

~~The south 165.5 feet of the west  $\frac{1}{2}$  of Lot 18 of the Clarendon Hills Acre Estates (Common Address 5945 Western Avenue);~~

~~ALSO~~

~~Lot 1 of the Kirk's Resubdivision (Common Address 6003 Western Avenue);~~

~~ALSO~~

~~Lot 2 of the Kirk's Resubdivision (Common Address 6015 Western Avenue);~~

~~ALSO~~

~~The north 165.5 feet of the west 209.6 feet of Lot 20 in Clarendon Hills Acre Estates (Common Address 6029 Western Avenue);~~

~~ALSO~~

~~Lot 5 of the Eileen Thomas Resubdivision (Common Address 5904 Western Avenue);~~

~~ALSO~~

~~Lot 7 of the Eileen Thomas Resubdivision (Common Address 5908 Western Avenue);~~

~~ALSO~~

~~The north 82.75 feet of the northeast  $\frac{1}{4}$  of Lot 31 in Clarendon Hills Acre Estates (Common Address 5926 Western Avenue);~~

~~ALSO~~

~~The northeast  $\frac{1}{4}$  of Lot 31 except the north 82.75 feet in Clarendon Hills Acre Estates (Common Address 5930 Western Avenue);~~

~~ALSO~~

~~The south 165.5 feet of the east  $\frac{1}{2}$  of Lot 31 of the Clarendon Hills Acre Estates (Common Address 5950 Western Avenue);~~

~~ALSO~~

~~The north 82.75 feet of the east  $\frac{1}{2}$  of Lot 30 of the Clarendon Hills Acre Estates (Common Address 6000 Western Avenue);~~

~~ALSO~~

~~Lot 4 of Machala's 2nd Division (Common Address 6006 Western Avenue);~~

~~ALSO~~

~~Lot 5 of Machala's 2nd Division (Common Address 6024 Western Avenue);~~

~~ALSO~~

~~The east 258 feet of the north half of Lot 29 (except the south 16.5 feet thereof and except the east 33 feet thereof) in Clarendon Hills Acre Estates (Common Address 6026 Western Avenue);~~

~~All in Section 15, Township 38 north, Range 11 east of the Third Principal Meridian, in DuPage County, Illinois.~~

~~Upon application for a connection permit, each of the lots or parcels identified above as a lot or parcel receiving a direct benefit from the improvement shall pay to the Village Clerk as an additional connection charge, the sum of five thousand three hundred ninety five dollars seventy cents (\$5,395.70), together with a sum equal to seven percent (7%) per annum thereon from November 24, 2003. Said additional connection charges shall be in addition to those connection charges otherwise provided for in this chapter. (Ord. 04-O-18, 4-26-2004)~~

\_\_\_\_ (f) Thurlow Street Water Main Extension Project: The Thurlow Street water main extension project as fully detailed in the plans and specifications prepared by Christopher B. Burke Engineering, Ltd., and known as project #90-144H58.

\_\_\_\_ (1) Direct Benefit:

\_\_\_\_ A. The following parcel is deemed to receive a direct benefit from the construction of the improvement:

\_\_\_\_ Lot 14 in Eriens Highview Estates Subdivision (Common Address of 7S.052 Thurlow Street) in Section 23, Township 38 north, Range 11 east of the Third Principal Meridian, in DuPage County, Illinois.

\_\_\_\_ Upon application for a connection permit, the parcel identified above as a lot or parcel receiving a direct benefit from the improvement shall pay to the Village Clerk as an additional connection charge, the sum of eleven thousand ninety eight dollars fifty cents (\$11,098.50), together with a sum equal to seven percent (7%) per annum thereon from August 14, 2006. Said additional connection charges shall be in addition to those connection charges otherwise provided for in this chapter.

(Ord. 06 O-32, 10-9-2006)

\_\_\_\_ 5. New Construction Unmetered Water Connection Service Fee:

\_\_\_\_ (a) In addition to and notwithstanding any other connection fees or service charges described in this section, no building permit for new construction required by section 4-2-10 of this Code shall be issued until the water service fee therefor has been paid to the Village as further described below, covering use of unmetered water during new construction. The Director of Municipal Services, or his or her designate, in his or her sole discretion, may require installation of a temporary outside meter to measure water used during such construction if he or she determines that such water use may be greater than that typically used during new construction operations in the Village. The installation of such temporary outside meter shall not relieve the building permit applicant of the duty to pay the water service fee and all other applicable water fees. Water measured by any such temporary outside meter shall be paid for at the Village's regular metered water rates.

\_\_\_\_ (b) The unmetered water service connection fee for new construction required by this subsection shall be one hundred dollars (\$100.00) per single family detached residence, multi-family residence (including, but not by way of limitation, apartment, condominium, duplex, or townhouse), and nonresidential structure. (Ord. 05 O-12, 5-9-2005)

\_\_\_\_ (G) Water Fund: All fees and charges described above shall be paid in the Water Fund of the Village. (Ord. 04 O-18, 4-26-2004)

\_\_\_\_ (H) Connection Without Permit: No connection shall be made with the waterworks system without the signed permit of the Director of Municipal Services. Any connection or opening made with the waterworks system without such signed permit or in any manner different from the mode prescribed for such opening or connection, shall subject the maker to a penalty as provided by section 1-4-1 of this Code.

\_\_\_\_ (I) Village To Make Connection: No connection shall be made to any fire hydrant within the corporate limits of the Village except those made by the Village and/or one or more of the fire protection districts servicing the Village. Should the Director of Municipal Services and/or the Village Administrator determine that there exists no other reasonable source of water supply, either the Director of Public Services or the Village Administrator may issue a permit permitting

~~a temporary connection to said hydrant. All such connections must be metered. Any person requesting such a permit must deposit an amount as determined by the Village Administrator to be sufficient to cover the cost of the required meter. In addition, any person requesting such a permit and obtaining the required meter shall pay to the Village a rental fee for said meter in the amount of thirty dollars (\$30.00) per month or any portion thereof. Any person found to have violated the provisions of this section shall be subject to the general penalty contained in section 1-4-1 of this Code. (Ord. 04-O-18, 4-26-2004; amd. Ord. 05-O-32, 11-14-2005)~~

~~(J) Rules And Regulations: The President and Board of Trustees are hereby authorized to make such rules and regulations consistent with this chapter for the connections to the waterworks system, specifying the types and sizes of pipes and all the other appurtenances and extensions thereto, and amend the same from time to time as may be deemed necessary. All service pipes and connections to the waterworks system shall comply with the said specifications and rules. Any person not complying with the specifications and rules for connection to the waterworks system shall be subject to a penalty as provided by section 1-4-1 of this Code.~~

~~(K) Right Of Access: Employees of the waterworks system shall have the right of access to any premises served by the waterworks service for the purpose of reading water meters and all remote reading devices or systems at the regular prescribed intervals, or for the purpose of making inspections and/or repairs in order to maintain same in good condition and provide for the protection of said system and the efficient management thereof. Where such inspections or repairs are of an immediate or urgent nature, employees of the system shall arrange appointments for such inspections or repairs at times mutually convenient to those persons, tenants or employees occupying the premises where such inspections and/or repairs are to be undertaken. Any person refusing to allow said employees access to any premises served by the waterworks system as aforesaid shall be subject to a penalty as provided by section 1-4-1 of this Code.~~

~~(L) Copy On File: A copy of this chapter, properly certified by the Village Clerk, shall be filed in the Village office, and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the waterworks system of the Village on their properties, and it shall be the duty of the Village Clerk and such other officers of this Village to take all action necessary or required by the laws of the State of Illinois thereunto enabling to file all claims for money due to the Village and to prosecute and enforce such claims in the manner, form and time as permitted by the laws of the State of Illinois. (Ord. 04-O-18, 4-26-2004)~~

#### **6-8-3: RATES:**

~~The rates and charges established in this section are effective January 1, 2015. (Ord. 14-O-55, 12-15-2014)~~

~~(A) Water Charges: All property upon which any building has been or may hereafter be erected having a connection with any main or pipe which may be hereafter constructed and used in connection with the Village water system shall pay the following rates: (Ord. 04-O-18, 4-26-2004)~~

~~-~~

		<b>Rate Per 1,000 Gallons</b>
<del>Residential usage – billed quarterly:</del>		<del>-</del>
<del>-</del>	<del>First 36,000 gallons per quarter</del>	<del>\$9.67</del>

-	All over 36,000 gallons per quarter	11.14
<del>Master metered multi-family residential usage – billed quarterly:</del>		-
-	First 36,000 gallons multiplied by the number of dwelling units per building per quarter	9.67
-	All over 36,000 gallons multiplied by the number of dwelling units per building per quarter	11.14
<del>Nonresidential usage – billed monthly:</del>		-
-	First 12,000 gallons per month	9.67
-	All over 12,000 gallons per month	11.14
<del>Hydrant usage – billed monthly:</del>		-
-	All usage	11.14

~~(Ord. 04-O-18, 4-26-2004; amd. Ord. 10-O-10, 4-12-2010; Ord. 12-O-02, 1-23-2012; Ord. 13-O-10, 4-22-2013; Ord. 13-O-43, 12-16-2013; Ord. 14-O-55, 12-15-2014)~~

~~As used herein, "residential usage" shall be defined as water usage by any single family attached dwelling, single family detached dwelling, or multiple family dwelling as those terms are defined by the Zoning Ordinance of the Village. In addition, the term "residential usage" shall include water usage related to the use of recreational amenities under the control of a not for profit homeowners' association.~~

~~"Nonresidential usage" shall be defined as all water usage other than "residential usage" as hereinabove defined. (Ord. 04-O-18, 4-26-2004)~~

~~(B) Minimum Charge:~~

~~1. Residential Usage; Exception: A minimum charge of seventy eight dollars fifty six cents (\$78.56) per quarter shall be assessed should a user in this class consume less than nine thousand (9,000) gallons during any given quarterly period. The minimum charge provided for herein shall not apply to master metered multiple family dwellings which shall be subject to a minimum charge as set forth elsewhere in this chapter. (Ord. 04-O-18, 4-26-2004; amd. Ord. 10-O-10, 4-12-2010; Ord. 12-O-02, 1-23-2012; Ord. 13-O-10, 4-22-2013; Ord. 13-O-43, 12-16-2013; Ord. 14-O-55, 12-15-2014)~~

~~2. Master Metered Multiple Family Dwellings: Minimum quarterly charges shall be assessed in accordance with the following formula:~~

~~Number of dwelling units per building multiplied by the residential minimum established by this Code. (Ord. 04-O-18, 4-26-2004)~~

~~3. Nonresidential Usage: Minimum monthly charges shall be assessed in accordance with the following table:~~

<del>Meter Size (Inches)</del>	<del>Monthly Minimum (Per Month)</del>
<del>5/8</del>	<del>\$124.87</del>

<del>3/4</del>	<del>124.87</del>
<del>1</del>	<del>154.58</del>
<del>1 1/2</del>	<del>249.71</del>
<del>2</del>	<del>312.16</del>
<del>3</del>	<del>388.98</del>
<del>4</del>	<del>624.34</del>
<del>5</del>	<del>778.91</del>
<del>6</del>	<del>936.48</del>

~~(Ord. 14 O-55, 12-15-2014)~~

~~4. Hydrant Usage: A minimum monthly charge of eighty nine dollars three cents (\$89.03) per month shall be assessed should a user in this class consume less than twelve thousand (12,000) gallons during any month, or portion thereof. (Ord. 04 O-18, 4-26-2004; amd. Ord. 10 O-10, 4-12-2010; Ord. 13 O-43, 12-16-2013; Ord. 14 O-55, 12-15-2014)~~

**~~6-8-4: RESALE:~~**

~~No water shall be resold or distributed by the recipient thereof from the Village supply to any premises other than that for which application has been made and the meter installed, except in case of emergency. (Ord. 68 O-10, 7-25-1968)~~

**~~6-8-5: BILLS; LIABILITY FOR SERVICE:~~**

~~(A) All bills for residential water usage shall be rendered on a quarterly basis. The Director of Municipal Services shall cause the Village to be divided into three (3) districts having approximately the same number of residential water customers in each district. Each month, through the Office of the Director of Municipal Services, quarterly water bills shall be issued for one of the three (3) Residential Districts so established. All bills for nonresidential water usage shall be rendered on a monthly basis. All bills issued pursuant to this section shall be paid not later than thirty (30) days after the date of billing. If payment of the full amount of the bill is not made within said period, then a penalty of ten percent (10%) of the amount of the bill shall be added thereto. If the payment of the full amount of the bill, including any penalty thereon, is not made within forty five (45) days after the date of billing, then an additional penalty of twenty five dollars (\$25.00) shall be added thereto.~~

~~(B) The owner of the premises, any occupant thereof, and the user of the water service shall be jointly and severally liable to pay for such service to such premises, and such service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of such service are jointly and severally liable therefor to the Village. The owner(s), occupant(s) and user(s) of the system shall be liable to pay for all water delivered to the premises and measured by the meter, including any water consumed due to a leak or faulty equipment on the user's property. (Ord. 19 O-24, 8-26-2019)~~

**~~6-8-6: DISCONNECTION AND FINAL BILLING:~~**

~~After proper notification to the Village, the Village will make a final reading of a customer's meter, shut off the water supply, if applicable, and submit a final bill to the customer.~~

~~All bills issued pursuant to this section shall be paid not later than thirty (30) days after the date of billing. If payment of the full amount of the bill is not made within said period, then a penalty of ten percent (10%) of the amount of the bill shall be added thereto and a delinquent notice shall~~

~~be sent to the customer. If the payment of the full amount of the bill, including any penalty thereon, is not made within forty five (45) days after the date of billing, a notice shall be sent to the customer indicating that unless the full amount of the bill, including any penalty thereon, is paid within fifteen (15) days from the date of said notice, the delinquent account may be turned over to a collection agency. (Ord. 87-0-7, 2-23-1987)~~

~~The Director of Municipal Services is authorized to place delinquent water billing accounts with a collection agency approved by the President and Board of Trustees. (Ord. 87-0-7, 2-23-1987; amd. Ord. 05-0-32, 11-14-2005)~~

~~**6-8-6.1: NEW USERS; INITIAL BILL; EXISTING ACCOUNTS; FINAL BILL; PRORATION; WAIVER OF CERTAIN BILLS:**~~

~~(A) The initial bill for new users of the water system of the Village, whether for residential usage or nonresidential usage, shall be based upon the rates set forth in section 6-8-3 of this chapter. Notwithstanding any provision contained hereinabove to the contrary, if such initial bill shall be for the minimum charge as set forth in section 6-8-3 of this chapter, such initial bill shall be prorated based upon the number of days of service provided.~~

~~(B) The final bill for existing users of the water system of the Village, whether for residential usage or nonresidential usage, shall be based upon the rates set forth in section 6-8-3 of this chapter. Notwithstanding any provision contained hereinabove to the contrary, if such final bill shall be for the minimum charge as set forth in section 6-8-3 of this chapter, such final bill shall be prorated based upon the number of days of service provided.~~

~~(C) Any final bill of less than three dollars fifty cents (\$3.50) shall be waived. (Ord. 89-0-13, 3-27-1980)~~

~~**6-8-7: WATER FUND:**~~

~~All fees and charges described above shall be paid into the Water Fund of the Village. (Ord. 72-0-26, 11-27-1972)~~

~~**6-8-8: NONPAYMENT; DISCONTINUATION OF SERVICE; HEARING:**~~

~~(A) Water service may be shut off to any premises for which the water bill, including any penalties thereon, remains unpaid any time after the period of forty five (45) days after the date of billing. Water service shall not be reinstated until all past due bills, including penalties thereon, are paid in full together with payment of seventy dollars (\$70.00) to cover the costs of reinstating said water service.~~

~~(B) Prior to discontinuation of water service, a written notice of water service shut off shall be served, by personal service or first class mail, postage prepaid, upon the person(s) liable for the water bill. The notice shall contain the following information:~~

- ~~1. The date by which payment or other action must be made to avoid discontinuation of water service, which discontinuation shall not be less than ten (10) days after service of the notice of discontinuation; and~~
- ~~2. The name, address and phone number of the Village Administrator or his/her designee, to contact for a hearing on the discontinuation of water service. The person(s) liable for the water bill shall have ten (10) business days from the date the notice of discontinuation was mailed or personally served to request, in writing, a hearing to contest water service discontinuation. The written request for hearing shall state the reasons for contesting the discontinuation of water service. If no request for hearing is made as herein provided, water service may thereafter be discontinued. No service shall be discontinued on a holiday or weekend day. If a hearing is requested, water service shall be continued pending the outcome~~

of the hearing. The hearing shall be convened within seven (7) business days of the date a request for hearing is received by the Village. The decision of the Village Administrator or his/her designee as to the discontinuation of water service shall be made at the hearing. (Ord. 19-O-24, 8-26-2019)

**6-8-9: INSPECTION:**

The Village and its authorized agents or employees shall be granted access to the premises where the water meters are located for the purpose of reading, examining, testing and repairing the meters and for the examination and testing the consumption and flow of water, and it shall be unlawful for any person or corporation to interfere with, prevent or obstruct the Village, or its duly authorized agents, in performing its duties hereunder. (Ord. 72-O-26, 11-27-1972)

Upon receiving a complaint by a consumer, and after the deposit of a fifty dollar (\$50.00) cash water meter testing fee, said consumer's water meter shall be removed and tested. If upon test the meter is not within three percent (3%) of being accurate, it shall be repaired or replaced at Village expense and the water meter testing fee returned to the consumer, provided the damage was not occasioned by the neglect of the consumer. If upon test the water meter is within three percent (3%) of being accurate, or if the water meter was damaged due to the neglect of the consumer, the water meter testing fee shall be retained by the Village to offset its costs. (Ord. 92-O-24, 7-27-1992)

**6-8-10: SERVICE PIPES:**

(A) Installation: All service pipes from the mains to the premises served shall be installed by, and at the cost of, the owner of the property to be served or the applicant for the service. Such installation shall be under the inspection of the building inspector.

(B) Pipes: No service shall be installed unless it conforms to specifications established by Building Ordinance drawn up by the Board of Trustees and approved thereby, a copy of which specifications shall be kept on file by the Village Clerk and shall be open to inspection by any person interested.

(C) Repairs: All repairs for service pipes and plumbing systems of buildings shall be made by and at the expense of the owners of the premises served. The Village may, in case of an emergency, repair any service pipes. If this is done, the cost of such repair work shall be repaid to the Village by the owner of the premises served.

(D) Excavations: Excavations for installing service pipes or repairing the same shall be made in compliance with the Code provisions relating to making excavations in streets. Provided, that it shall be unlawful to place any service pipe in the same excavation with, or directly over, any drain pipe or sewer pipe.

(E) Shutoff Boxes:

1. Shutoff Boxes or service boxes shall be placed on every service pipe, and shall be located between the curb line and the sidewalk, whenever practicable. Such boxes shall be so located that they are easily accessible and shall be protected from frost.

2. Unless authorized by the Superintendent of Public Works or his/her designee, it shall be unlawful for any person to:

- (a) Tamper with a service line shutoff box;
- (b) To disconnect water service at the shutoff box; or

~~(c) To restore disconnected water service from the shutoff box, or direct the restoration of disconnected water from the shutoff box. (Ord. 68 O-10, 7-25-1968; amd. Ord. 20 O-12, 4-13-2020)~~

**6-8-11: LIEN:**

~~Charges for water shall be a lien upon the premises as provided by statute. Whenever a bill for water service remains unpaid sixty (60) days after it has been rendered, the Clerk may file with the Recorder of DuPage County, a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges for water served subsequent to the period covered by the bill.~~

~~If the consumer of water whose bill is unpaid is not the owner of the premises, the Clerk has notice of this, then notice shall be mailed to the owner of the premises, if his address is known to the Clerk, whenever such bills remain unpaid for a period of sixty (60) days after it has been rendered.~~

~~The failure of the Clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for unpaid water bills as mentioned in the following section. (Ord. 68 O-10, 7-25-1968)~~

**6-8-12: FORECLOSURE OF LIEN:**

~~Property subject to a lien for unpaid water charges shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill in equity in the name of the Village.~~

~~The Village Attorney is hereby authorized and directed to institute such proceedings, in the name of the Village, in any court having jurisdiction over such matters, against any property for which water bill has remained unpaid sixty (60) days after it has been rendered. (Ord. 68 O-10, 7-25-1968)~~

**6-8-13: CONNECTION TO STORM SEWERS:**

~~It shall be unlawful for any person to connect or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste or any fixture or device discharging polluting substances to any stormwater drain in the Village. (Ord. 73 O-8, 3-26-1973)~~

**6-8-14: RESTRICTIONS ON WATER USAGE FROM THE VILLAGE WATER SYSTEM:**  
~~Between May 15 and September 30 of each year, the following restrictions shall apply to water usage from the water system of the Village: (Ord. 89 O-43, 10-9-1989)~~

~~(A) No person shall use any water from the Village water system, through a hose or otherwise, to sprinkle any lawn, water any garden, tree or shrub, wash any car, fill any swimming pool or for any other outdoor purpose whatsoever, except as hereinafter provided. (Ord. 83 O-39, 11-14-1983)~~

~~(B) Notwithstanding any provision contained in subsection (A) of this section to the contrary, use of water for outdoor purposes shall be permitted at property located east of Robert Kingery Highway (Route 83) on even numbered days, and at property located west of Robert Kingery Highway (Route 83) on odd numbered days, provided that such use of water shall only be permitted from six o'clock (6:00) A.M. to twelve o'clock (12:00) noon and six o'clock (6:00) P.M. to ten o'clock (10:00) P.M. (Ord. 84 O-26, 6-11-1984)~~

~~(C) Notwithstanding any provision contained in subsection (A) of this section to the contrary, said restrictions shall not apply to:~~

- ~~1. Any person engaged in the business of landscaping or growing or selling plants of any kind.~~
- ~~2. Any person engaged in the business of washing automobiles, either with attendants, with automatic service or by self-service. (Ord. 83-O-39, 11-14-1983)~~
- ~~3. Any person watering any newly seeded or sodded lawn, any newly fertilized lawn, any newly transplanted shrub or tree or any other use of water determined by the Director of Municipal Services to be necessary, pursuant to a permit issued by the Director of Municipal Services, provided that such watering shall only be permitted for a period not to exceed thirty (30) days, and further provided that such use of water shall not be permitted between the hours of twelve o'clock (12:00) noon and six o'clock (6:00) P.M. (Ord. 84-O-26, 6-11-1984; amd. Ord. 05-O-32, 11-14-2005)~~

~~6-8-15: VIOLATION:~~

~~It shall be unlawful and in violation of this chapter for any person to disconnect the water meter or tamper with the meter or its appurtenant parts or to adopt any other means to avoid or prevent the measurement of water consumed on the subject premises and/or to avoid paying for the water consumed thereon.~~

~~It is also unlawful for any person to divert the water away from the water meter or in any other way prevent the measurement of the water being consumed on the premises.~~

~~Upon conviction of any of the above acts or omissions, the violator shall be subject to penalty as provided for by section 1-4-1 of this Code. (Ord. 83-O-39, 11-14-1983)~~

## **PROPOSED: CHAPTER 8 – *RESERVE.***

DRAFT

## **EXISTING: CHAPTER 9 – ~~RESIDENTIAL COMPOSTING~~**

### **~~6-9-1: LEGISLATIVE DECLARATION:~~**

~~The President and Board of Trustees find that making adequate provision for the disposal of solid waste, including landscape waste, is a matter of utmost importance which directly effects~~

~~the health, welfare and safety of residents of the Village of Willowbrook. It is the purpose of this chapter to provide for the recycling of leaves, grass clippings, garden debris, brush, tree clippings, and other plant material through composting and establish minimum standards for proper compost maintenance so that this disposal method does not create a nuisance. (Ord. 90-0-33, 8-13-1990)~~

#### **6-9-2: DEFINITIONS:**

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

~~COMPOST BIN: A container no larger than one hundred (100) cubic feet, and no taller than five feet (5'), designed to hold compostable material in such a way as to not allow the material to be wind blown. Compost bins are to be made from one or a combination of the following materials: snow fence, woven wire, brick or cement block, wood or prefabricated plastic.~~

~~COMPOST PILE: An accumulation of compostable material contained within a compost bin.~~

~~COMPOSTIBLE MATERIAL: Accumulation of leaves, grass clippings, garden debris, brush, tree clippings and other plant material accumulated as the result of maintenance of lawns, shrubbery, vines and trees.~~

~~COMPOSTING: A controlled biological reduction of organic wastes to humus. (Ord. 90-0-33, 8-13-1990)~~

#### **6-9-3: RESIDENTIAL COMPOSTING:**

~~No composting shall be permitted except in accordance with the following provisions:~~

- ~~(A) Composting shall be limited to the residential districts within the Village.~~
- ~~(B) All compostable material shall be enclosed in a compost bin.~~
- ~~(C) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests.~~
- ~~(D) All compost bins shall be so maintained as to prevent unpleasant odors.~~
- ~~(E) Not more than one compost bin shall be located on any residential lot.~~
- ~~(F) All compost bins shall be located:
  1. In the rear yard, not less than ten feet (10') from any lot line.
  2. Such that no portion of the compost bin is within any drainage or utility easement.
  3. Such that no portion of the compost bin is within twenty feet (20') of a principal structure on any adjoining lot. (Ord. 90-0-33, 8-13-1990)~~

#### **6-9-4: COMPOST PILES:**

~~Compost piles shall only be composed of compostable material and commercial compost additives. No other material shall be placed in a compost pile. Without limiting the generality of the foregoing prohibition, the following specific materials shall not be placed in a compost pile and shall not be deemed to be compostable material:~~

- ~~(A) Processed food products, including, but not limited to, salad dressings and cooking or other vegetable oils.~~

~~—(B) Animal or dairy products, including, but not limited to, fats, bones, meat, fish, fowl and cheese.~~

~~—(C) Manures. (Ord. 90-O-33, 8-13-1990)~~

**6-9-5: PROHIBITED ACTS:**

~~It shall be unlawful for any person to own, operate, maintain or permit a compost pile in violation of this chapter. (Ord. 90-O-33, 8-13-1990)~~

DRAFT

**PROPOSED: CHAPTER 9 – *RESERVE*.**

DRAFT

## **EXISTING: CHAPTER 10 – ~~SMOKING REGULATIONS~~**

### **6-10-1: DEFINITIONS:**

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

**BAR:** An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than ten percent (10%) of its gross revenue from the sale of food consumed on the premises. "Bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

**EMPLOYEE:** A person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a nonprofit entity.

**EMPLOYER:** A person, business, partnership, association, or corporation, including a Municipal corporation, trust, or nonprofit entity that employs the services of one or more individual persons.

**ENCLOSED AREA:** All space between a floor and a ceiling that is enclosed or partially enclosed with: a) solid walls or windows, exclusive of doorways, or b) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

**ENCLOSED OR PARTIALLY ENCLOSED SPORTS ARENA:** Any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.

**GAMING EQUIPMENT OR SUPPLIES:** Any gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

**GAMING FACILITY:** An establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

**HEALTHCARE FACILITY:** An office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. "Healthcare facility" includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within healthcare facilities.

**PLACE OF EMPLOYMENT:** Any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to, entrances and exits to places of employment, including a minimum distance, as set forth in section 6-10-5 of this chapter, of fifteen feet (15') from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home based business, unless used to provide licensed childcare, foster care, adult care, or other similar social service care on the premises, is not a "place of employment".

**PRIVATE CLUB:** A not for profit association that: a) has been in active and continuous existence for at least three (3) years prior to the effective date of this chapter, whether incorporated or not, b) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, c) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and d) only sells alcoholic beverages incidental to its operation. For purposes of this definition, "private club" means an organization that is managed by a board of directors, executive committee, or similar

~~body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of Federal Income Tax as a club under 26 USC 501.~~

~~**PRIVATE RESIDENCE:** The part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.~~

~~**PUBLIC PLACE:** That portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in section 6-10-5 of this chapter, of fifteen feet (15') from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed childcare, foster care, or other similar social service care on the premises. A "public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the State or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than seventy five percent (75%) of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.~~

~~**RESTAURANT:**~~

- ~~(A) An eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and~~
- ~~(B) A kitchen or catering facility in which food is prepared on the premises for serving elsewhere.~~
- ~~(C) "Restaurant" includes a bar area within the restaurant.~~

~~**RETAIL TOBACCO STORE:** A retail establishment that derives more than eighty percent (80%) of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.~~

~~**SMOKE OR SMOKING:** The carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.~~  
~~(Ord. 07 O-37, 12-10-2007, eff. 1-1-2008)~~

~~**6-10-2: SMOKING IN PUBLIC PLACES, PLACES OF EMPLOYMENT, AND GOVERNMENTAL VEHICLES PROHIBITED:**~~

~~No person shall smoke in a public place or in any place of employment or within fifteen feet (15') of any entrance to a public place or place of employment. No person shall smoke in any vehicle owned, leased, or operated by the State or a political subdivision of the State. Smoking is prohibited in indoor public places and workplaces unless specifically exempted by section 6-10-7 of this chapter. (Ord. 07 O-37, 12-10-2007, eff. 1-1-2008)~~

**6-10-3: POSTING OF SIGNS; REMOVAL OF ASHTRAYS:**

~~(A) "No Smoking" signs or the international "no smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this chapter by the owner, operator, manager, or other person in control of that place.~~

~~(B) Each public place and place of employment where smoking is prohibited by this chapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.~~

~~(C) All ashtrays shall be removed from any area where smoking is prohibited by this chapter by the owner, operator, manager, or other person having control of the area. (Ord. 07 O-37, 12-10-2007, eff. 1-1-2008)~~

**6-10-4: SMOKING PROHIBITED IN STUDENT DORMITORIES:**

~~Notwithstanding any other provision of this chapter, smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies, and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education. (Ord. 07 O-37, 12-10-2007, eff. 1-1-2008)~~

**6-10-5: ENTRANCES, EXITS, WINDOWS, AND VENTILATION INTAKES:**

~~Smoking is prohibited within a minimum distance of fifteen feet (15') from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under this chapter so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means. (Ord. 07 O-37, 12-10-2007, eff. 1-1-2008)~~

**6-10-6: DESIGNATION OF OTHER NONSMOKING AREAS:**

~~Notwithstanding any other provision of this chapter, any employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate a nonenclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is also prohibited provided that such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking in the manner described in subsections 6-10-3(A) and (B) of this chapter. (Ord. 07 O-37, 12-10-2007, eff. 1-1-2008)~~

**6-10-7: EXEMPTIONS:**

~~Notwithstanding any other provision of this chapter, smoking is allowed in the following areas:~~

~~(A) Private residences or dwelling places, except when used as a childcare, adult daycare, or healthcare facility or any other home-based business open to the public.~~

~~(B) Retail tobacco stores as defined herein and in operation prior to the effective date of this chapter and who file an annual report with the Department of Public Health as required by the Smoke Free Illinois Act 1. Any retail tobacco store that begins operation after the effective date of this chapter may only qualify for an exemption if located in a freestanding structure occupied~~

~~solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited.~~

~~(C) Private and semiprivate rooms in nursing homes and long term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.~~

~~(D) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than twenty five percent (25%) of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.~~  
~~(Ord. 07 O-37, 12-10-2007, eff. 1-1-2008)~~

#### Notes

+ 1. 410 ILCS 82/1 et seq.

### **6-10-8: ENFORCEMENT; COMPLAINTS:**

~~(A) The provisions of this chapter shall be enforced by the Willowbrook Police Department or any other governmental entity having jurisdiction.~~

~~(B) Any person may register a complaint with the Willowbrook Police Department for violation of this chapter.~~  
~~(Ord. 07 O-37, 12-10-2007, eff. 1-1-2008)~~

### **6-10-9: VIOLATIONS; INJUNCTIONS:**

~~(A) A person, corporation, partnership, association or other entity who violates section 6-10-2 of this chapter shall be fined pursuant to this section. Each day that a violation occurs shall constitute a separate and distinct violation.~~

~~1. A person who smokes in an area where smoking is prohibited under section 6-10-2 of this chapter shall be fined in an amount that is not less than one hundred dollars (\$100.00) and not more than two hundred fifty dollars (\$250.00).~~

~~2. A person who owns, operates or otherwise controls a public place or place of employment that violates section 6-10-2 of this chapter shall be fined not less than two hundred fifty dollars (\$250.00) for the first violation.~~

~~3. A person who owns, operates or otherwise controls a public place or place of employment that violates section 6-10-2 of this chapter shall be fined not less than five hundred dollars (\$500.00) for the second violation within one year after the first violation.~~

~~4. A person who owns, operates or otherwise controls a public place or place of employment that violates section 6-10-2 of this chapter shall be fined not less than two thousand five hundred dollars (\$2,500.00) for each additional violation within one year after the first violation.~~

~~(B) The Village may institute, in Circuit Court, an action to enjoin violations of this chapter.~~  
~~(Ord. 07 O-37, 12-10-2007, eff. 1-1-2008)~~

### **6-10-10: DISCRIMINATION PROHIBITED:**

~~No individual may be discriminated against in any manner because of the exercise of any rights afforded by this chapter. (Ord. 07-O-37, 12-10-2007, eff. 1-1-2008)~~

DRAFT

**PROPOSED: CHAPTER 10 – *RESERVE.***