

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
APRIL 20, 2010 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Update to Village Manager's Office, Finance Department and Clerk's Office User-Fees, Licenses and Fines	Resolution ✓ Ordinance Motion Discussion Only	Dave Fieldman Village Manager

SYNOPSIS

Ordinances have been prepared for the following items:

- Update charges for user-fees, licenses and fines associated with the Village Manager's Office (VMO), Finance Department and Clerk's Office
- Remove VMO, Finance Department and Clerk's Office user-fees, licenses and fines from the Municipal Code and list these items in the new Administrative Regulation entitled "User-Fee, License and Fine Schedule"

STRATEGIC PLAN ALIGNMENT

The FY10 Strategic Plan identifies *Fee Schedule and Related Code Revisions* as an action agenda item for 2010.

FISCAL IMPACT

Using FY09 as a baseline for fee collection activity, staff forecasts the proposed VMO, Finance Department and Clerk's Office fee revisions will generate approximately \$34,000 in additional revenue on an annual basis for the Village.

UPDATE & RECOMMENDATION

This item was discussed at the April 13, 2010 meeting. Staff recommends approval on the April 20, 2010 active agenda.

BACKGROUND

As part of the 2010 Strategic Plan, the Village Council directed staff to conduct a comprehensive review and update of all Village-charged user-fees, licenses and fines. On February 16, 2010 the Village Council approved the User-Fee, License and Fine Umbrella Policy. The User-Fee, License and Fine Umbrella Policy is intended to develop and implement a formalized method for comprehensively establishing, reviewing and regularly updating Village user-fees, licenses and fines. The policy also sets forth the parameters within which staff will be operating when conducting its user-fee, license and fine review process in 2010. This fee review process will be conducted on a department-by-department basis and staff will regularly submit departmental fee update recommendations to the Village Council for formal consideration throughout 2010.

The first proposed fee update includes user-fees, licenses and fines associated with the VMO, Finance Department and Clerk's Office. These fees are primarily administrative in nature and have been adjusted to align with the Village's goals for cost recovery, competitiveness and ease of use as outlined in the recently adopted User-Fee, License and Fine Umbrella Policy. Staff reviewed all fees charged by the Village for services provided by these three departments. Staff is recommending the following changes to existing fees:

- Remove fees charged for document production as required by the recently amended Freedom of Information Act (FOIA)
- Increase the fee for finger printing services from \$20 to \$40
- Increase the fee for electrical contractor licenses from \$75 to \$100
- Increase the fee for the Class A scavenger license from \$300 to \$3,000 (Republic Services, Inc. holds the Village's only Class A scavenger license)
- Increase the fee for Class B scavenger licenses from \$300 to \$500
- Increase the fee for late renewal of Class B scavenger licenses from \$75 to \$150
- Increase the fee for tree removal licenses from \$40 to \$75
- Increase the fee for a Village debit card for parking from \$3 to \$8
- Increase the fee for a solicitation permit from \$25 to \$50
- Increase the fee for property easement encroachment licenses from \$50 to \$60

All of the above fee increase proposals are intended to cover the Village's actual direct and indirect cost of providing the services. Staff did not adjust the proposed fees to address other objectives such as encouraging certain behaviors or to achieve competitiveness with other communities. Staff compared the proposed fees to fees charged by neighboring municipalities and determined that the proposed fees are comparable.

In addition to the proposed updates to existing fees, staff has also identified some new fees for Village Council consideration. These proposed new fees include the following items:

- *Color Copies* – Staff proposes a \$0.10 per page charge for color copies in an effort to recover printer, paper and ink costs associated with reproducing these documents. No fee is currently charged for this service.
- *Recycling Bins* – Staff proposes codifying a \$10 fee for the purchase of an 18-gallon recycling bin. Adoption of the proposed fee would reflect the Village's current practice and would mirror the fee charged by the Village's garbage vendor for the purchase of recycling bins.
- *Referral of Charges to a Collection Agency* – The Police Department currently charges a \$25 administrative fee to individuals when unpaid fees (parking tickets, etc.) are referred to a collection agency for recovery. Staff proposes expanding this administrative fee to include all individuals whose unpaid Village fees are referred to a collection agency for recovery.

ATTACHMENTS

Ordinances

Fee Schedule

VMO-Finance-Clerk's Office Fee Update Summary

User-Fee, License and Fine Umbrella Policy

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Manager **DATE:** April 20, 2010
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE AMENDING CERTAIN ADMINISTRATIVE FEES CHARGED BY THE VILLAGE", as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance shall amend the Municipal Code regarding Village user-fees, licenses and fines.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CERTAIN ADMINISTRATIVE FEES
CHARGED BY THE VILLAGE**

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

Section 1. That Section 1.15.2. is hereby added to read as follows:

1.15.2. Late Penalty; Administrative Fees.

When any statement for Village services, fees or fines shall remain unpaid after thirty (30) days of the date of said statement, the Village Manager may take whatever action is lawful and necessary to collect delinquent accounts, including, without limitation, termination of service or hiring a collection agency. For each account referred to a collection agency, a fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be assessed.

Section 2. That Section 1.21 is hereby amended to read as follows:

1.21 Liability for damage to Village property.

Any person or entity damaging or causing damage to property owned or controlled by the Village shall be liable for all costs incurred in repairing the damage or replacing the item damaged whether such work is completed by the person or entity causing the damage or by the Village or its contractor. Such person or entity shall also be liable for any administrative costs as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" and those costs incurred in repairing or replacing the property and in billing the person or entity for the costs.

Section 3. That Section 1.27 is hereby amended to read as follows:

1.27 Freedom of Information--appointment of officer, requests for inspection or copying of records--procedures; fees.

(a) The Village Clerk and his/her designees shall serve as the Freedom of Information Officers and shall perform such duties as required by law.

(b) Persons desiring to inspect or obtain copies of Village records under the Illinois Freedom of Information Act shall make a written request which shall be submitted to the Freedom of Information Officer.

(c) The fee charged for copies of Village records, files, ordinances, documents, or other information retained by the Village, shall be as set forth by statutes of the State of Illinois. Where no statutory fee has been established, ~~the following schedule shall apply:~~ a fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be assessed.

1. Standard copies	No charge
2. Color copies	\$.10/page
3. Plats or maps	Actual cost of reproduction
4. Photographs, video tapes, DVDs or CDs	Actual cost of reproduction

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Section 4. That Section 2.33.1. is hereby amended to read as follows:

2.33.1. Insufficient Funds (NSF) Received.

Whenever any personal or business check or debit/credit card or ACH direct debit account information is tendered as payment for any Village required expense or fee when there is an insufficient amount of money available in the account and the bank, credit union or credit card company sends an NSF notice to the Village, an administrative fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" may be assessed by the Village in addition to any pass-through costs associated with such a transaction from the Village's banking institution.

Section 5. That Section 4.108. is hereby amended to read as follows:

4.108. Fees.

All Temporary Use Permits shall be subject to a general application fee of seventy-five dollars (\$75.00); except that permits for block parties shall only be subject to a twenty-five dollar (\$25.00) security deposit; certain events may be subject to additional fees as provided below:

Circus/Amusement/Live Entertainment - \$100.00 per day.

Temporary Signs - \$10.00 per week.

Tents - \$25.00.

Fee for use of public property - \$1.00 per square footage of property utilized.

Additional Inspection fee - \$50.00.

Fingerprinting Fee - ~~\$20.00.~~ Shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

Late fee - \$75.00.

Additional fees may be assessed for the cost of any services provided by the Village Police, Fire or Public Works Departments.

Section 6. That Section 5.8. is hereby amended to read as follows:

5.8. Disposition of impounded animals.

(a) All animals which have been impounded pursuant to Section 5-7 shall be detained by the animal control officer until further disposition to the animal control administrator of the county, or his/her agent. Prior to such disposition the owner of any animal which has been impounded may redeem such animal by claiming the animal, presenting proof of current vaccination against rabies, as required by Section 5-14 and paying to the Village all fees, costs and expenses of impoundment imposed by subsection (c) herein and Section 5-9.

(b) The owner of any impounded animal who is unable to show proof of the animal's current vaccination against rabies may redeem such animal by posting with the Village a cash bond in an amount determined by the Village Manager or his/her designee. The cash bond as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" will be returned upon the owner's presentation, within thirty days, of proof of the animal's vaccination against rabies prior to the impoundment. After thirty days, the cash bond will no longer be subject to redemption and will be transferred to the corporate fund of the Village.

(c) Pending the further disposition to the animal control administrator of the county, any injured animal which has been impounded may be given medical treatment or may be humanely dispatched by and under the direction of a licensed Illinois veterinarian in accordance with applicable law. The fee or charges for such veterinary services shall be deemed to be and shall be included as a cost and expense

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incurred in the impoundment. (Ord. No. 1793, § 1; Ord. No. 1854, § 1; Ord. No. 2712, § 1.)

Section 7. That Section 5.9. is hereby amended to read as follows:

5.9. Fees.

The fees which shall be charged for impounding, maintaining and feeding all animals shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" are as follows:

(a) All animals :

(1) For impounding and releasing each animal, ~~twenty dollars (\$20.00) for the first day (or fraction thereof) plus five dollars (\$5.00) for each additional day the animal is held.~~

(2) ~~Ten dollars (\$10.00) per day for~~ feeding and maintaining each animal.

(3) ~~The fee imposed herein shall increase to one hundred dollars (\$100.00) per day, plus costs for feeding and maintaining each animal if~~ any of the animals owned by a person or family are impounded by the Village more than once during a six month period an additional fee shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(R.O. 1925, §§ 67, 220; Ord. No. 1793, § 1; Ord. No. 2345, § 1.)

Section 8. That Section 5.25. is hereby amended to read as follows:

5.25. Powers and duties.

In addition to all other powers and duties provided by law, the animal control officer shall have the power and duty to investigate violations of the provisions of this chapter, to impound or cause to be impounded animals except wild animals in a natural state found running at large within the Village, to transport or cause to be transported the same to the Village pound for impoundment and, at the direction of the Village Manager, to declare animals which are injurious or potentially injurious to the health, safety or welfare of persons or property within the Village to be a public nuisance and to apply to the appropriate court for an abatement thereof.

The animal control officer shall also have the power and duty to establish a trapping program whereby animal traps are loaned to residents to catch wild animals that are a nuisance or posing a hazard. The animal control officer shall recommend the amount of any administrative fee to be charged as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" for the loan of the traps and Village removal of the animals such recommendation to be approved by the Village Treasurer pursuant to the provisions of this Code and any Village rules or regulations. (Ord. No. 1793, § 5; Ord. No. 1854, § 5; Ord. No. 2261, § 25.)

Section 9. That Section 7.803. is hereby amended to read as follows:

7.803. Inspection and permit fees.

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

A. Schedule of Demolition Permit fees:

\$500.00 for the first 30,000 square feet, and \$33.00 per additional 100 square feet thereafter.

In addition to any demolition fee, there shall be an administrative fee as set forth in Administrative

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Regulation entitled "User-Fee, License and Fine Schedule" assessed for required signage 7-1801(k).

B. Schedule of New Construction Permit Fees:

1. Accessory Buildings
 - a. Less than 200 square feet \$100.00
 - b. 200 square feet or more \$425.00
2. Residential, Non-Residential and Associated Buildings
 - a. Basic fee (for the first 1,000 square feet) \$1,350.00, plus an additional \$675.00 per 1,000 square feet.

C. Schedule of Permit Fees for Additions, Alterations and Repairs:

1. Residential \$350.00, plus additional plumbing and electrical fees set forth in the Downers Grove Municipal Code.
2. Non-Residential (for the first 1,000 square feet) \$725.00, plus an additional \$675.00 per 1,000 square feet.

D. Water for Construction or Demolition:

Temporary construction or demolition water shall be paid for at the rate established in Chapter 25.29 of the Downers Grove Municipal Code.

E. Heating and Mechanical Ventilation Systems \$100.00

F. Canopy, fixed Awning or Alteration:

- a. Basic fee \$100.00

G. Inspection Fees for Elevators, Escalators, Lifts, Hoists, Dumbwaiters, Conveyors:

1. All elevators, escalators, lifts, hoists, dumbwaiters and conveyors are required to have maintenance inspections conducted twice per year, after the initial inspection. Inspection fees for each inspection required are as follows:
 - i. New \$125.00
 - ii. Existing \$50.00

H. Swimming Pools and Hot Tubs (above ground and in ground) \$425.00

I. Deck permits \$100.00

J. Other work requiring permit (i.e. roof repair/replacement, concrete work, commercial equipment, structural repairs, etc.)

1. If value of work is less than \$25,000 - \$75.00
2. If value of work is \$25,000 or more - \$300.00

Plumbing fixtures. Fees for inspection of plumbing fixtures installed shall be governed by the provisions of Chapter 16.

Permits for sewer and drain connections. Fees for inspection of sewer and drain connections shall be governed by the provisions of Chapter 16.

Fees for permit to erect a new sign or to repair an existing sign shall be governed by provisions of Section 28-305 of the Comprehensive Zoning Ordinance of the Village, passed and approved April 19, 1965, as amended. (Ord. No. 1281, § 10; Ord. No. 1586, § 4; Ord. No. 2913, § 2; Ord. No. 3336, § 1.)

Section 10. That Section 7.1801. is hereby amended to read as follows:

7.1801. Demolition/Construction Site Management.

An applicant for a demolition and/or building permit (“permit applicant”) shall be responsible for safe construction site management during all phases of demolition and/or construction of permitted improvements. The following minimum standards shall be complied with prior to the commencement of work and throughout the duration of the project.

(a) Notification. Each permit applicant that seeks a demolition permit for an existing house or garage or a building permit for any construction that will add six hundred (600) square feet or more of gross floor area to an existing house or garage shall be required to provide notification to all residents of property located within one hundred (100) feet of the subject property. Such notification shall be made no less than seven (7) days prior to the commencement of any work and shall consist of providing the residents with a copy of an informational brochure provided by the Village, disclosure of a site plan, a general explanation of the work to be done, and the name, address and telephone number of the individual supervising the work. Each permit applicant shall submit written certification, on a form provided by the Village, of personal notification to all residents of property located within one hundred (100) feet of the subject property of the pending work as a condition precedent to issuance by the Village of a permit for work on the subject property.

(b) No structure shall be eligible for demolition unless and until the permit applicant has notified all utilities having service connections within or about the structure such as water, electric, gas, sewer, telephone and any other connections. The Village Public Works Department shall be notified to remove the water meter or the Village may give written permission to allow the permit applicant to remove the water meter. The Sanitary District must be notified regarding the capping of sanitary sewers. A permit to demolish a structure shall not be issued until a release is provided by the relevant utilities stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or capped in a safe manner.

(c) No structure shall be eligible for demolition unless and until the permit applicant has submitted and the Village has approved a grading and site restoration plan or an application for construction has been placed on file with the Village and the applicant has been issued an initial review letter from the Village.

(d) The permit applicant for demolition and/or construction shall be required to install and maintain in good working order a six (6) foot high temporary chain link construction fence with driven posts around the perimeter of the lot for all residential construction, and an eight (8) foot high temporary chain link construction fence with driven posts around the perimeter of the lot for all commercial construction. For both residential and commercial areas, the fencing must have a gated opening which shall be closed when no construction or demolition activity is being performed on the site. Fencing must be installed prior to the commencement of any construction or demolition on the site and must remain in place until the final grading of the property commences. Erosion control measures (silt fencing) must be installed and maintained on the inside of the perimeter fence. The Director of Community Development shall have the authority to determine the fencing requirements, excluding height requirements, and/or to require a written fencing plan for construction activities. The Director shall have the discretion to determine the appropriate timing and location of the fencing requirements in order to adequately protect the health, safety and welfare of the public and the adjacent residential and commercial properties.

(e) Each tree on the property, including the parkway, must be protected with fencing, and as provided in Section 24-7 of this Code.

(f) Construction/demolition debris and refuse containment shall be required for all job sites. Containment shall occur on the property that is the subject of the permit, and shall be within a dumpster or container that shall be fully covered to prevent windblown debris. Such dumpster or container shall be set back a

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minimum of five (5) feet from the front lot line and a minimum of five (5) feet from the side lot line. All such dumpsters or containers shall be covered at all times when no work is being performed on the property that is the subject of the permit. Such dumpster or container shall not be located on public property, including but not limited to, parkways or sidewalks.

(g) Construction sites shall be provided with a portable toilet. The location of the portable toilet shall be set back as far as possible from all property lines to within three to four feet from the excavation but not less than a minimum of five (5) feet from the front lot line and a minimum of five (5) feet from the side lot line, and whenever possible the portable toilet shall be located in the rear yard. Such portable toilet shall not be located on public property, including but not limited to, parkways or sidewalks.

(h) The permit applicant shall maintain all construction/demolition sites free and clear of debris and refuse generated by site preparation, reconstruction or demolition of buildings and structures.

(i) The hours of construction/demolition are as follows:
7:00 a.m. to 7:00 p.m. Monday-Saturday
No Work on Sundays

(j) All construction work shall be limited to the permitted property. No permit issued pursuant to this Section shall authorize any entry onto the property adjoining the permitted property or any work for which entry onto property adjoining the permitted property is or may be necessary, unless a proper right of entry has been secured from the owner of such property.

(k) Posted Notice of Rules and Regulations: The applicant shall post on the permitted property in a prominent place, visible from the public right-of-way, a sign containing notice of the rules and regulations applicable to demolition and construction work. The applicant shall also post notice of the contractor's name and a phone number of the individual supervising the work. Such sign shall be posted not less than four (4) nor more than seven (7) days in advance of the commencement of work. Such sign shall be maintained on the permitted property until all work on the permitted property has been completed and approved or until removal is requested by the Director. The size, shape and message of such sign shall be established by the Director of Community Development. The sign containing notice of rules and regulations shall be obtained from the Village wherein an administrative fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be assessed by the Village.

(l) The noise regulations contained in Section 15-5.1 of this Code shall be applicable.

(m) The applicant shall cause all dirt, mud, gravel and other debris from the subject property or related to the work conducted on the subject property to be cleaned regularly every day from all streets and sidewalks adjoining or in the area of the subject property.

(n) No streets or sidewalks shall be blocked so as to prevent pedestrian or vehicular traffic. Permit applicants must comply with Section 19-44(i) of this Code regarding Traffic Control Procedures and must submit a construction site parking plan outlining the proposed location for all parking of contractor and worker vehicles. All vehicles shall comply with all Village ordinances. The Director of Community Development shall review the construction parking plan and shall either approve the plan as submitted, approve the plan with modifications and/or conditions or deny the plan. The applicant shall adhere to the terms and conditions of the approved construction parking plan. Failure to comply with the terms and conditions of the approved construction parking plan shall constitute a violation of this ordinance.

(o) On all demolition sites and construction sites or in any situation where airborne particles may be

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disbursed, proper watering is required in that airborne particles shall be controlled at the property that is the subject of the permit during work hours by thoroughly saturating all portions of the structure with water. Such spraying shall be undertaken at all times necessary to thoroughly control the creation and migration of airborne particles, including without limitation, dust from the property that is the subject of the permit. The water source for control of airborne particles shall be either (i) a water tanker truck with pump capacity of one hundred (100) gallons per minute at the nozzle or (ii) an approved public water hydrant. Water shall be delivered from the water source to the subject property by a hose with a minimum diameter of 2 ½ inches, which may be reduced to 1 ½ inches when on the property that is the subject of the permit. If a public water hydrant is used, a Village water meter and proper hydrant wrench must be used after acquiring a permit from the Public Works Department in accordance with Chapter 25-11 of the Downers Grove Municipal Code. Any hose leading from a public water hydrant and crossing a driveway, street, alley or other vehicular right-of-way or path must be bridged in a manner sufficient to protect the water system.

- (p) No open burning is permitted at the demolition/construction site.
- (q) Permit applicants shall submit written acknowledgment, on a form provided by the Village, of rules for construction/demolition site management.
- (r) Permit fees shall be paid in the amount set forth in Article VIII of this Code.
- (s) A bona fide certificate of insurance shall be supplied to the Village, showing minimum insurance coverage from an insurance company with at least a B+ rating of five hundred thousand dollars (\$500,000.00) bodily injury, five hundred thousand dollars (\$500,000.00) property damage and statutory coverage for workers compensation. This shall accompany the permit applications. The building official may waive the insurance requirement for minor demolition work.
- (t) A site management cash bond in the amount of five thousand dollars (\$5,000.00) shall be deposited with the Village and shall be kept in a separate account. Such cash bond shall be in addition to all other application and processing fees, costs, escrows, bonds and performance securities required, and stand as security for the full and complete performance by the permit applicant of the work covered by the permit, insuring the initiation of construction in a timely manner and proper management of the site, subject to the following provisions:
 - (i) The Village shall have the right at all times, at its option, to draw on the site management bond for the costs, including, without limitation, legal fees and administrative expenses incurred or to be incurred by the Village in exercising any of its rights under this Chapter in the event: 1) the applicant undertakes work in violation of any provision of this Chapter or of any permit issued or plan approved pursuant to this Chapter; or 2) the applicant fails or refuses to complete any work authorized by any permit issued under this Chapter in accordance with all plans approved in connection with said permit. The Village's determination of such costs shall be based either on costs actually incurred by the Village or on the Village's reasonable estimates of costs to be incurred.
 - (ii) If the Village draws on the site management bond, then the applicant shall replenish the bond to the full amount required by this section immediately after demand therefore is made to the applicant in writing by the Village. Any failure of the applicant to replenish the bond shall result in cancellation of the related permit, which permit shall not be reissued thereafter except after the filing of a new application therefore, repayment of the permit fee, and establishment of a new site management bond.
 - (iii) Upon certification by the building official of the satisfactory completion of the work, the balance of the cash bond shall be refunded to the permit applicant.
- (u) (1) The applicant shall cause the demolition of a structure to be completed with due diligence, in good faith and without delay. The applicant shall notify the Village at least twenty-four (24) hours prior to

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the commencement of demolition. Once the work commences on the site, the applicant shall continuously pursue completion of the work. If no substantial work is being pursued on the site for thirty (30) consecutive days or more once the work has commenced, then the site shall be deemed abandoned. Once the Village issues a notice of abandonment the applicant shall within ten (10) days from issuance of the abandonment notice either:

- (i) commence work on the site and diligently pursue completion of the demolition; or
- (ii) restore the property to a final grade and grass seeded condition or commence construction activities pursuant to a valid building permit.

For purposes of this Section, completion of demolition shall be defined as removal of all portions of the structure both above ground and below ground level and restoration of the property to a final grade and grass seeded condition.

(2) Additional fee for late work: If the applicant fails to comply with this Section he/she shall pay a late work fee of two hundred fifty (\$250.00) per day for each day until such work is completed. The Village shall deduct such fee from the site management bond.

(v) Fees and Fines: Failure to comply with the minimum standards will constitute a violation of this Code, subjecting violators to a stop work order and a minimum fine of two hundred fifty dollars (\$250.00) per violation, for every day the violation exists. In addition to any other penalties provided in this Section, the Village Attorney shall have the authority to seek injunctive or other relief in the Circuit Court of DuPage County to enforce and compel compliance with the ordinance of the Village. Such injunctive action may be combined with counts seeking monetary fines as provided herein.

(i) Street Cleaning. If the applicant shall fail to clean all sidewalks and streets adjoining and in the area of the subject property, then the applicant shall pay a fine of three hundred dollars (\$300.00) for each violation. The Village shall deduct such fine from the site management bond provided in Section(t). This charge shall be in addition to any fines assessed pursuant to Ordinance. (Ord. No. 1527, § 1; Ord. No. 2918, § 1.)

Section 11. That Section 8.3. is hereby amended to read as follows:

8.3. Processing of Application.

(a) Whenever any license is required or provided for by this Chapter, application shall be made in writing to the Village Clerk on a form as reasonably required and approved by the Village Manager. The fee shall be paid and the license shall then be issued and signed by the Clerk who shall attach thereto the seal of the Village, and each license shall specifically set forth the purpose for which it is granted and the location of the business or activity. The Clerk shall keep a record of all licenses issued, the person to whom issued, and the location of the business or activity. Insurance or a bond may be required by the terms of specific licensing provisions of this Code.

(b) An application shall not be considered proper or filed until all information and material required of the applicant pursuant to this Code has been submitted.

(c) Upon receipt of a proper application, the Village Clerk shall investigate the information contained in the application and shall determine whether the applicant and premises designated, if applicable, are in full compliance with all applicable laws of the Village. The nature and scope of the investigation shall be within the discretion of the Village Clerk. This investigation shall be completed within twenty business days after receipt of a proper application. Provided, the Village Clerk may extend this investigation period, not to exceed an additional ten business days, upon a finding that such additional period is needed to properly complete the investigation. Provided, whenever such an extension period is invoked, notice shall be provided to the applicant along with the specific reasons for such extension.

(d) If, within ten business days following completion of the investigation, the Village Clerk determines that the applicant and premises are in compliance with the applicable ordinances of the Village, the Village Clerk shall issue the license.

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(e) If, within ten business days following completion of the investigation, the Village Clerk determines that the applicant or premises are not in compliance with the applicable ordinances of the Village, the Village Clerk shall notify the applicant in writing that its license has been denied, setting forth the reasons therefore, and advising the applicant of his or her right to appeal pursuant to Section 8-4. Unless a timely appeal is filed as provided in Section 8-4, such denial shall be final and effective on the eleventh day following receipt of the notice by the applicant. In the event of such denial, ~~fifty percent (50%) of the license fee or \$50.00 whichever is less, shall be retained as a processing charge~~ a fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be assessed. Except for this processing charge, any license fee paid by the applicant shall be returned following final expiration of any appeal period. (Ord. No. 2167, § 6; Ord. No. 2725, § 2.)

Section 12. That Section 8.12. is hereby amended to read as follows:

8.12. Same--License fees.

License fees to be charged for the purpose of licensing and regulating the activities listed in Section 8-11 hereof shall be ~~as follows:~~

~~(a) \$500.00 per year or \$50.00 per day for readings in the art of divination.~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".
(Ord. No. 2167, § 6; Ord. No. 2549, § 3; Ord. No. 2691, § 2.)

Section 13. That Section 8.13. is hereby amended to read as follows:

8.13. Application for License.

(a) Application for a license shall be made in writing to the Village Clerk, upon forms provided, and shall include the following:

(1) The name (including any nicknames or aliases), date of birth, address, including current and all prior addresses in last five (5) years, telephone number, and social security number of the applicant. In addition, the application shall include the registered agent of the applicant if the applicant is a corporation, and the general or managing partners, if the applicant is a partnership.

(2) The location of the activities.

(3) A complete statement of all convictions of the applicant as provided in this section. If the applicant is a corporation, such statement shall include applicant's officers, and directors thereof, and any stockholder or stockholders owning in the aggregate more than twenty percent (20%) of the stock of such corporation. If the applicant is a partnership, such statement shall include all general partners, and any limited partner owning more than twenty percent (20%) of the aggregate limited partner interest in such partnership. Such listing shall include the following:

(i) Any offense involving sexual misconduct with children or other sex offenses as defined in Article 11 of the Criminal Code of 1961, as amended.

(ii) A felony based upon conduct or involvement in such business or activity or related or similar business or activity, within the past ten (10) years; or

(iii) A felony unrelated to conduct or involvement in such business or activity or related or similar business or activity, but which felony involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including rape, within the past five (5) years; or

(iv) A misdemeanor or licensing ordinance violation, based upon conduct or involvement in such business or activity or related or similar business or activity, within the past two (2) years.

(4) A description of the proposed amusement activities, including the anticipated age and number of patrons, hours of operation and all activities and business conducted at the same location, and the physical facilities to be used.

(5) A written statement setting forth all measures proposed to ensure that adequate traffic control, crowd protection and security, both inside and outside the amusement area, will be maintained.

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(6) The name, address, telephone number and age of all managers shall be provided, along with a statement of any convictions as set forth under subsection (3), above. A manager is required to be on duty during business hours.

(7) A statement whether applicant has made similar application for a similar other license at a location other than described in this application and the disposition of such application.

(8) A current certificate of inspection for the location from the DuPage County Board of Health, if applicable.

(9) The license fee as ~~provided in Section 8-12~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(10) The fingerprinting fee as ~~provided in Section 8-13(12)~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(11) In the event applicant is made aware that any information or document submitted as part of this application process is inaccurate or incomplete, applicant shall immediately notify the Village and provide appropriate corrections. Failure to accurately and completely provide, or as necessary update, required information may delay the processing of such application or result in its denial.

(12) In addition to the requirements of subsections (a) and (b) above, the applicant shall submit their fingerprints to be used in completing the investigation. Applicants are required to present themselves for fingerprints to be taken by the Downers Grove Police Department as provided by the Village Clerk. Applicants are required to pay a fingerprinting fee ~~assessed by the Village~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". Provided, in the case of a renewal application, fingerprints and the fingerprint fee shall not be required from a renewal applicant whose fingerprints are on file, unless the Village determines in its sole discretion that cause exists to have the applicant fingerprinted. If the applicant is a corporation, fingerprints shall be required of applicant's officers, directors, and any stockholder or stockholders owning in the aggregate more than twenty percent (20%) of the stock of such corporation. If the applicant is a partnership, fingerprints shall be required of all general partners, and any limited partner owning more than twenty percent (20%) of the aggregate limited partner interest in such partnership.

Section 14. That Section 8.31.04. is hereby amended to read as follows:

8.31.04. Processing of Application.

(a) An application shall not be considered proper or filed until all information and material required of the applicant pursuant to Sections 8-31.3 has been submitted.

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

(c) The investigation, including any required inspections and background checks, shall be completed within 60 days after receipt of a proper application. Provided, the Chief may extend this investigation period an additional period, not to exceed an additional 60 days, upon a finding that such additional period is needed to properly complete the investigation. Provided, whenever such an extension period is invoked, notice shall be provided to the applicant along with the specific reasons for such extension.

(d) If, within 10 days following completion of the investigation, the Chief determines that the applicant and location are in compliance with the applicable ordinances of the Village, the Chief shall issue the license.

(e) If, within 10 days following completion of the investigation, the Chief determines that the

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applicant or location are not in compliance with the applicable ordinances of the Village, the Chief shall notify the applicant in writing that its license has been denied, setting forth the reasons therefore, and advising the applicant of his or her right to appeal pursuant to Section 8-8. Unless a timely appeal is filed as provided in Section 8-8, such denial shall be final and effective on the 11th day following receipt of the notice by the applicant. The fee paid by the applicant pursuant to Section 8-31.7 shall be returned, less the fingerprint fee and \$100.00 which will be retained as a processing fee set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

Section 15. That Section 8.31.07. is hereby amended to read as follows:

8.31.07. Fees.

(a) The annual fee for a pre-adolescent entertainment facility license shall be ~~\$1,925.00 per year~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". ~~and s~~Such license shall be valid from July 1 through the following June 30.

(b) The annual fee for an adolescent entertainment facility license shall be ~~\$1,925.00 per year~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". ~~and s~~Such license shall be valid from July 1 through the following June 30.

(c) The annual fee for an adult entertainment facility license shall be ~~\$1,925.00 per year~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". ~~and s~~Such license shall be valid from July 1 through the following June 30.

(d) The annual fee for an mixed entertainment facility license shall be ~~\$1,925.00 per year~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". ~~and s~~Such license shall be valid from July 1 through the following June 30.

(e) A fingerprint fee equal to that from time to time assessed by the Village set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be paid for each person required to submit fingerprints under this ordinance.

(f) A fee for a request for a variance shall be ~~\$100.00~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

Section 16. That Section 8.38. is hereby amended to read as follows:

8.38. License required; fee.

(a) No person shall perform any work in the Village as an electrical contractor, as defined in this article, without having first obtained a license therefor from the Village Clerk or from another municipality in this state which issues licenses to electrical contractors only upon successful completion of a test substantially equivalent to that required by the Village pursuant to Section 8-39.

(b) All licenses issued by the Village Clerk shall be issued to the individual successfully completing the test. If the individual is not self-employed but works for another employer or company, the name of that employer or company shall be printed on the license.

(c) If the licensee changes employers or companies or becomes self-employed during the term of the license, the individual shall notify the Village within fifteen days of the change and the Village shall issue a new license displaying the corrected information. There is no fee for issuance of such a corrected license. If the licensee fails to notify the Village of a change in employment or self-employed status within fifteen days of the change, the license issued hereunder shall be null and void and have no further force and effect. If a license becomes null and void, the prior licensee shall not be eligible for another electrical contractor's license until he or she has taken and passed the written test as provided in Section 8-39.

(d) The license fee for an electrical contractor shall be ~~seventy five dollars (\$75.00) per year~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". An additional fee of ~~seventy five dollars (\$75.00)~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be imposed on licensees who fail to timely pay their annual/renewal license fee by December 31 of any

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license year.

(Ord. No. 2725, § 2; Ord. No. 2871, § 1; Ord. No. 3335, § 1.)

Section 17. That Section 8.39. is hereby amended to read as follows:

8.39. Same--Examination.

Prior to issuance of any license to an electrical contractor, the applicant shall take a written test given by the Community Development Department and pass such test with a minimum score of seventy percent correct. An applicant failing to pass the test may take the test again after thirty days have passed. A fee of ~~seventy five (\$75.00) dollars~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be paid to the Village for each such test or retest administered. (Ord. No. 2725, § 2; Ord. No. 2871, § 1; Ord. No. 3335, § 1.)

Section 18. That Section 8.50. is hereby amended to read as follows:

8.50. Same--Fee; additional devices.

(a) If at any time after issuance of an amusement device business license, a licensee shall seek to keep on display devices on the licensed premises in excess of the total number of devices applied for pursuant to Section 8-49(a)(4) hereof, the licensee shall notify the Village Clerk of the number of additional devices to be kept and pay such fee as may be required for such additional devices pursuant to paragraph (b) of this section.

(b) The fee for the license required by Section 8-48 shall be determined as follows:

(1) For a business providing twenty or less amusement devices the fee shall be ~~six hundred dollars per year~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule";

(2) For a business providing more than twenty but less than thirty such devices, the fee shall be ~~eight hundred dollars per year~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule";

(3) For a business providing at least thirty but less than forty such devices, the fee shall be ~~one thousand dollars per year~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule";

(4) For a business providing forty or more such devices, the fee shall be ~~one thousand two hundred dollars per year~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

The license shall be valid from January 1 to December 31, or for such time as the mayor may determine appropriate given the findings of the investigation required by Section 8-49(e) and the standards of Section 8-2, such time not to be less than two months nor to extend beyond the next following December 31. (Ord. No. 2167, § 6; Ord. No. 2399, § 3; Ord. No. 2685, § 3; Ord. No. 2816, § 1.)

Section 19. That Section 8.54. is hereby amended to read as follows:

8.54. Movie arcade--License required; fee.

(a) No person shall engage in the business of operating a movie arcade within the Village before obtaining a license therefor.

(b) The license fee for a movie arcade shall be ~~fifty dollars per year~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". (Ord. No. 3101, § 1.)

Section 20. That Section 8.58. is hereby amended to read as follows:

8.58. Scavenger licenses required; classifications; fees.

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(a) No person shall engage in the scavenger business within the Village without first obtaining a license pursuant to this Article. The scavenger business for which such a license is required includes the collection and disposal of garbage, recyclables and compostable material from all premises within the Village, whether the activity therein is residential, commercial, manufacturing or other, whether under contract with the Village or with the person in control of any premises or under contract with a lessor; however, such license shall not be required for collection and disposal of liquid or other industrial wastes for which specialized equipment or handling is necessary.

(b) For purposes of this section, scavenger licenses shall be, and are hereby, divided into the following classes:

(1) Class "A" licenses, which shall authorize the scavenger to collect garbage, recyclables and compostable materials from all premises within the Village. The number of licenses authorized under this classification shall not exceed one in number.

(2) Class "B" licenses, which shall authorize the scavenger to collect garbage, recyclables and compostable materials from premises within the Village, exclusive of single-family dwellings and attached single-family dwellings as defined in the Comprehensive Zoning Ordinance of the Village of Downers Grove.

(c) The annual license fee, for a Class "A" and Class "B" scavenger licenses shall be three hundred dollars (\$300.00) per year as set forth by Administrative Regulation entitled "User-Fee, License and Fine Schedule". (Ord. No. 2713, § 1; Ord. No. 3297, § 1; Ord. No. 3373, § 2.)

Section 21. That Section 8.61. is hereby amended to read as follows:

8.61. Scavenger Licenses - Original applications and renewals.

(a) Applications for the issuance of the scavenger licenses required by Section 8-58 shall be made to the Village, on a form or forms prescribed by the Village Manager for the purpose of providing information reasonably necessary to determine the applicant's satisfaction of the general conditions listed in Section 8-2 and the special conditions in Section 8-62 below. Applications shall state the method and place of disposal of the refuse, yardwaste, and recyclables collected in the Village. The scavenger license fee shall be submitted with the application.

If a person or entity operates a scavenger service within the Village without a license and then seeks to obtain a license, the person or entity shall submit with the application and license fee a late original application filing fee ~~of three hundred dollars (\$300.00)~~ shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(b) A licensee may renew the scavenger license at the expiration thereof, provided he is then entitled to receive a license and subject to the following conditions:

(1) Applications for renewal of a scavenger license shall be made to the Village, on a form or forms prescribed by the Village Manager for the purpose of providing information reasonably necessary to determine the applicant's satisfaction of the general conditions listed in Section 8-2 and the special conditions in Section 8-62 below. Applications shall state the method and place of disposal of the refuse, yardwaste, and recyclables collected in the Village.

(2) Application for renewal along with the required license fee shall be filed with the Village no later than the first Friday of December each year. Applications for renewal filed after this deadline shall be considered a late filing but shall be accepted by the Village. Provided, any licensee submitting a late filing shall, in addition to the license fee, pay a late renewal application filing fee ~~of seventy five dollars (\$75.00)~~ shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". (Ord. No. 2713, § 1.)

Section 22. That Section 8.70. is hereby amended to read as follows:

8.70. Application for license; fee; duration of sale.

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(a) Any person desiring a license under this Article shall file an application with the Village Clerk on forms provided by the Village. No license shall be issued to any person:

(1) to conduct a sale in the trade name or style of a person in whose goods the applicant for the license has acquired a right or title hereto within six months prior to the time of making application for such a license;

(2) to continue a sale in the name of a licensee under this Article in whose goods such person acquired a right or title while such a sale is in progress; or

(3) to conduct a sale, other than an insurance sale, a salvage sale or a sale of damaged goods, on the same premises within one year from the conclusion of a prior sale of the nature covered by this Article.

Subsections (a)(1), (a)(2) and (a)(3) above shall not apply to any person who acquired a right, title or interest in goods as an heir, legatee or pursuant to an order or process of a court of competent jurisdiction.

(b) The license application fee is ~~twenty five dollars~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" and shall be paid at the time the application is submitted to the Village Clerk.

(c) A license issued under this Article shall be valid for a period not more than sixty consecutive days from the start of such sale and the sale may be conducted only during the period set forth in the license. The license shall not be renewable under any circumstances. (Ord. No. 2167, § 6; Ord. No. 3045, § 1.)

Section 23. That Section 8.73. is hereby amended to read as follows:

8.73. Same--Fee for license.

The annual license fee for a tree removal license shall be ~~forty dollars (\$40.00) per company~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". (Ord. No. 2167, 6; Ord. No. 2277, § 2; Ord. No. 2523, § 1.)

Section 24. That Section 8.1904. is hereby amended to read as follows:

8.1904. Form and Submittal of License Application.

(a) Required Form. An application for an Adult Establishment License, or the renewal thereof, shall be made in writing to the Adult Use Commissioner on a form prescribed by the Adult Use Commissioner and shall be signed (i) by the applicant, if the applicant is an individual; (ii) by at least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant is a partnership (general or limited), joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization; (iii) by a duly authorized agent, if the applicant is a corporation; or (iv) by the trustee, if the applicant is a land trust. The application shall be verified by oath or affidavit as to all statements made on or in connection with the application and any attachments thereto. Each application shall specifically identify the applicant and the Licensed Premises for which an Adult Establishment License is sought. Each initial or renewal application shall be accompanied by seven identical copies.

(b) Administrative Processing Fee and Security.

1. Administrative Processing Fee. Every applicant for an Adult Establishment License or for the renewal of an existing Adult Establishment License shall pay an Administrative Processing Fee ~~in the amount of \$250.00~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" by certified check to the Village at the time of filing such application. The Administrative Processing Fee shall in all cases be non-refundable and shall be deposited in the general corporate fund of the Village.

2. Letter of Credit. Each Adult Establishment License, and any renewals thereof, shall be conditioned upon the acquisition and maintenance in good standing by the applicant and Licensee of a letter of credit in favor of the Village in ~~the an~~ amount of ~~\$5,000 to the Village~~ set forth in Administrative

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Regulation entitled "User-Fee, License and Fine Schedule". Before an Adult Establishment License may be issued, the applicant shall furnish such letter of credit. Before an Adult Establishment License is renewed or reinstated following revocation or suspension, the Licensee shall submit evidence that the letter of credit, in the amount required pursuant hereto, remains in full force and effect. The letter of credit, or part thereof, for an Adult Entertainment Establishment shall be forfeited automatically pursuant to Section 8-1915 of this Ordinance in order to reimburse the Village for the Village's costs in association with the proceedings related to any suspension or revocation of the License.

(c) Required Information and Documents. Each application shall include the following information and documents:

1. (i) Individuals: The applicant's legal name, all of the applicant's aliases, the applicant's business address and social security number, written proof of the applicant's age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of the applicant's naturalization.

(ii) Corporations: The applicant corporation's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of all the directors, officers, and managers of the corporation and every person owning or controlling more than twenty (20) percent of the voting shares of the corporation; the corporation's date and place of incorporation and the object for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Illinois; and the name of the registered corporate agent and the address of the registered office for service of process.

(iii) Partnerships (general or limited), joint ventures, or any other type of organization where two or more persons share in the profits and liabilities of the organization: The applicant organization's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of each partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.

(iv) Land trusts: The applicant land trust's complete name; the legal name, all aliases, and the business address of the trustee of the land trust; the legal name, all aliases, and the ages, businesses addresses, and social security numbers of each beneficiary of the land trust and the specific interest of each such beneficiary in the land trust; and the interest, if any, that the land trust holds in the Licensed Premises.

2. If a corporation or partnership is an interest holder that must be disclosed pursuant to Section 8-1904(c) above, then such interest holders shall disclose the information required in said Section with respect to their interest holders.

3. The general character and nature of the business of the applicant.

4. The length of time that the applicant has been in the business of the character specified in response to paragraph 3 above.

5. The location, including street address and legal description, and telephone number, of the premises for which the Adult Establishment License is sought.

6. The specific name of the business that is to be operated under the Adult Establishment License.

7. The identity of each fee simple owner of the Licensed Premises. If the Applicant is not the fee simple owner, a copy of the lease shall be provided.

8. A diagram showing the internal and external configuration of the Licensed Premises, including all doors, windows, entrances, exits, the fixed structural internal features of the Licensed Premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; provided, however that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six inches and sufficient to show clearly the various interior dimensions of all areas of the Licensed Premises and to demonstrate compliance

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with the provisions of this Ordinance. The requirements of this paragraph shall not apply for renewal applications if the applicant adopt a diagram that was previously submitted for the License sought to be renewed and if the Licensee certified that the Licensed Premises has not been altered since the immediately preceding issuance of the License and that the previous diagram continues to accurately depict the exterior and interior layouts of the Licensed Premises. The approval or use of the diagram required pursuant to this paragraph shall not be deemed to be, and shall not be interpreted or construed to constitute, any other Village approval otherwise required pursuant to applicable Village ordinances and regulations.

9. The names of each governmental body from which, within five years immediately prior to the date of the present application, the applicant, or any of the individuals identified in the application pursuant to Sections 8-1904(c)(1) or (2) above, has received a license or other authorization to conduct or operate a business (i) substantially the same as an Adult Entertainment Establishment, and the names and addresses of each such business; (ii) requiring a federal, state, or local liquor license; or (iii) requiring a federal, state, or local gaming license.

10. The specific type or types of Adult Entertainment Establishment(s) that the applicant proposes to operate in the Licensed Premises.

11. A copy of each Adult Establishment License, liquor license, and gaming license currently held by the applicant, or any of the individuals identified in the application pursuant to Sections 8-1904(c)(1) or (2) above.

12. Whether the applicant, or any of the individuals identified in the application pursuant to Sections 8-1904(c)(1) or (2) above, has been, within five years immediately preceding the date of the application, convicted of, or pleaded *nolo contendere* to, any Specified Criminal Act. As to each conviction, the applicant or other individual shall provide the conviction date, the case number, the nature of the misdemeanor or felony violation(s) or offense(s), and the name and location of the court.

13. Whether the applicant, or any of the individuals identified in the application pursuant to Sections 8-1904(c)(1) or (2) above, has had a license or other authorization to conduct or operate a business substantially the same as an Adult Entertainment Establishment or any business requiring either a liquor or gaming license, revoked or suspended, and, if so, the date and grounds for each such revocation or suspension, and the name and location of the establishment at issue.

14. The name of the individual or individuals who shall be the day-to-day, on-site managers of the proposed Adult Entertainment Establishment. If the manager is other than the applicant, the applicant shall provide, for each manager, all of the information required pursuant to Sections 8-1904(c)(1), 8-1904(c)(9), 8-1904(c)(11), 8-1904(c)(12), and 8-1904(c)(13) of this Ordinance.

15. For the individual or individuals executing the application pursuant to Section 8-1904(a), and the individual or individuals identified pursuant to Section 8-1904(c)(14) of this Ordinance, a fully executed waiver on a form prescribed by the Village to obtain criminal conviction information pursuant to the Illinois Uniform Conviction Information Act.

(d) Incomplete Applications Returned. Any application for an Adult Establishment License that does not include all of the information and documents required pursuant to Subsection C of this Section as well as the Administrative Processing Fee and letter of credit required pursuant to Subsection B of this Section, shall be deemed to be incomplete and shall not be acted on or processed by the Village. The Adult Use Commissioner shall, within ten days of such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.

Section 25. That Section 8.2007. is hereby amended to read as follows:

8.2007. Fees.

(a) Administrative Processing Fee. From and after October 1, 1999, every applicant for a new (non-renewal) Massage Establishment License shall pay an Administrative Processing Fee ~~in the amount of \$250.00~~ as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" to the Village at the time of filing such application. The Administrative Processing Fee shall be non-refundable.

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(b) License Fee. Every applicant for a Massage Establishment License, or for the renewal of an existing Massage Establishment License, shall pay a License Fee ~~in the amount of \$100.00~~ as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" to the Village at the time of filing such application. The License Fee shall be refunded in the event the License application is denied.

(c) A fingerprint fee assessed by the Village as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be paid for each person required to submit fingerprints under this ordinance. The Fingerprint Fee shall be non-refundable.

Section 26. That Section 13.8. is hereby amended to read as follows:

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

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

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

Section 27. That Section 13.9. is hereby amended to read as follows:

13.9. Stagnant pools to be treated to prevent breeding.

It shall be unlawful for any person to keep, maintain or permit any body or collection of water to stand on or flow across their property within the Village in which mosquitos breed or are likely to breed, unless such collection of water is treated so as to effectively prevent such breeding. Treatment fees for mosquito abatement shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(Ord. No. 117, § 1.)

Section 28. That Section 13.18. is hereby amended to read as follows:

13.18. Certain Plant Growth - Destruction by Village when owner fails to destroy; notice; expenses to be charged owner.

When the person or owner in control of any lot or plot of ground fails to cut plant growth or destroy noxious weeds growing thereon, as herein required, the Community Development Officer shall notify the owner of the property that the uncut plant growth or growth of noxious weeds on said property is in violation of this Chapter. If the owner fails to cut the plant growth or destroy the noxious weeds within a reasonable time, the Community Development Officer shall cause the plant growth or noxious weeds to be destroyed and any reasonable expense incurred by the Village in cutting the plant growth or noxious weeds, including any administrative costs incurred shall be as set forth in Administrative Regulation entitled "User-Fee,

License and Fine Schedule" in cutting the growth or noxious weeds and in billing the owner for the cost, shall be a charge against the owner which may be recovered in an appropriate action at law. (Ord. No. 2097, § 1; Ord. No. 2291, § 5; Ord. No. 2633, § 1.)

Section 29. That Section 13.49.4. is hereby amended to read as follows:

13.49.4. Theft or damage of recycling containers, refuse stickers and yard waste tags or stickers; removal of items from recycling containers.

(a) For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Owner. A Village resident to whom a Village recycling container has been issued by the Village, or a Village resident who has purchased a preprinted refuse sticker or yard waste tag or sticker.

Refuse sticker. A preprinted sticker which evidences advance payment for the collection and disposal of garbage, rubbish, refuse and junk.

Village recycling containers. Eighteen-gallon green plastic containers, stamped with the Village name and issued by the Village to its residents for the purpose of holding recyclable items.

Yard waste tag or sticker. A preprinted tag or sticker which evidences advance payment for the collection and disposal of compostable materials.

(b) It shall be unlawful for any person, other than a scavenger licensed under Article XV of Chapter 8 of the Downers Grove Municipal Code to remove any items in or adjacent to Village recycling containers or recycling containers provided by scavengers or owners of multi-family structures, including but not limited to, newspapers, aluminum cans, plastic jugs, and glass bottles or containers.

(c) The theft of any Village recycling container, refuse sticker or yard waste tag or sticker shall be unlawful, and any person, other than the owner, commits theft when he knowingly:

(1) Obtains or exerts unauthorized control over a Village recycling container, refuse sticker or yard waste tag or sticker; or

(2) Obtains, by deception, control over a Village recycling container, refuse sticker or yard waste tag or sticker; or

(3) Obtains, by threat, control over a Village recycling container, refuse sticker or yard waste tag or sticker; or

(4) Obtains control of a stolen Village recycling container, refuse sticker or yard waste tag or sticker knowing the Village recycling container, refuse sticker or yard waste tag or sticker to have been stolen by another under such circumstances as would reasonably induce such person to believe that the property was stolen; and,

a. Intends to permanently deprive the owner of the use or benefit of the Village recycling container, refuse sticker or yard waste tag or sticker; or

b. Knowingly uses, conceals or abandons the Village recycling container, refuse sticker or yard waste tag or sticker in such manner as to permanently deprive the owner of such use or benefit; or

c. Uses, conceals or abandons the Village recycling container, refuse sticker or yard waste tag or sticker knowing such use, concealment or abandonment will probably permanently deprive the owner of such use or benefit.

(d) No person shall damage, by any means, a Village recycling container, without the consent of the Village.

(e) Recycling bins can be obtained by showing proof of residency. The cost for obtaining such a bin shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". (Ord. No. 3297, § 10; Ord. No 3373, § 1.)

Section 30. That Section 14.97.4. is hereby amended to read as follows:

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14.97.4. Citation; compliance; penalties.

(a) Any person charged with a violation of any provisions of Article VIII of this Chapter, or Sections 14-159 and 14-160 of Article IX of this Chapter, for which no other penalty or compromise payment is specifically provided for by this Code, may settle and compromise such charge by paying to the Village, within fourteen (14) days after the time of the police department citation alleging such offense, a sum of twenty dollars (\$20.00); except that if the person is charged under the following sections the penalty or compromise payment shall be as follows:

(1) \$5.00 for the first and second violation in a sixty (60) day period of Section 14-105.7 which occurs in the DB Downtown Business District as defined as Section 14-1 of this Chapter. For purposes of this section the sixty (60) day period shall begin to run on the day after the date of the issuance of the citation for the first violation.

(2) \$10.00 for the first and second violation in a 60 day period of Section 14-106, 14-107 or 14-109 which occurs in the DB Downtown Business District as defined in Section 14-1 of this Chapter. For purposes of this Section the 60 day period shall begin to run on the day after the date of the issuance of the citation for the first violation.

(3) \$100.00 for the third or subsequent violation in a 60 day period of Section 14-105.7, 14-106, 14-107 or 14-109 which occurs in the DB Downtown Business District as defined in Section 14-1 of this Chapter. For purposes of this Section the 60 day period shall begin to run on the day after the date of the issuance of the citation for the first violation.

(4) \$100.00 for a violation of Section 14-97.1 or 14-98.1 involving a motor vehicle having a gross vehicle weight (including vehicle and attached equipment and maximum load)* in excess of 8,000 pounds, except vehicles registered as recreational vehicles under the Illinois Motor Vehicle Code.

(b) If such penalty or compromise payment has not been made prior to the expiration of fourteen (14) days, the Police Department shall cause to be mailed, by first class U.S. mail, addressed to the last known address of the registered owner of the vehicle involved in the offense so charged, a final notice referring to the offense so charged. At any time prior to the expiration of fourteen (14) days from the date of mailing of such final notice, any person charged with a violation of the provisions of Article VIII of this Chapter, or Sections 14-159 and 14-160 of Article IX of this Chapter, may settle and compromise such charge by paying to the Village the amount of the fine established herein together with an additional sum of ten dollars (\$10.00) for each offense so charged.

(c) All such compromise payments may be made at the Downers Grove Police Department. In each case in which such compromise payment is made, the Police Department is authorized to waive further prosecution of such alleged violation.

(d) Any person found guilty by a court of law of a violation of any of the provisions of Article VIII or IX of this Chapter, for which no other penalty is specifically provided for by this Code, shall be subject to a fine of not less than twenty dollars (\$20.00) and not more than one hundred fifty dollars (\$150.00) for each such violation.

~~(e) If a person fails to pay the penalty for violation of any provision of this Chapter the Village may utilize the services of a collection agency to recover the amount owed. For each unpaid citation referred to a collection agency, a twenty five dollar \$25.00 administrative shall be included with the penalty amount to cover the Village's cost in processing the matter. (Ord. No. 2745, § 34; Ord. No. 2857, § 10; Ord. No. 3254, § 2; Ord. No. 3275, § 3.)~~

* Equivalent to Illinois Motor Vehicle Registration Class C and higher, second division vehicles.

Section 31. That Section 14.108. is hereby amended to read as follows:

14.108. Parking places reserved for disabled persons.

(a) The following off-street locations shall be designated as parking reserved for disabled persons:

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Forest Lot South, as posted (four stalls).

Municipal Lot B, as posted (nine stalls).

Municipal Lot H, as posted (nine stalls).

Municipal Lot I, as posted (three stalls).

The Village Municipal Complex, located at 801 Burlington Avenue, including Lots L and V, as posted (six stalls).

The Village Public Works Facility, located at 5101 Walnut, as posted (two stalls).

Municipal Lot G, as posted (three stalls).

(b) The following on-street locations shall be designated as parking reserved for disabled persons:

On the north side of Curtiss, from a point twenty-four feet east of Main Street, to a point ninety-three feet east of Main Street (two stalls).

On the north side of Curtiss, from a point one hundred ninety-six feet east of Forest Avenue, to a point two hundred thirty-five feet east of Forest Avenue (two stalls).

On the north side of Warren Avenue, from west of Highland Avenue to a point fifty feet west of the west line of Highland Avenue (one stall).

On the west side of Washington Street, from a point thirty feet north of the north line of Curtiss Street, to a point eighty feet north of the north line of Curtiss Street (two stalls).

On the north side of Warren Avenue, east of Forest Avenue (one stall)

On the north side of Rogers Street, east of Main Street (one stall)

On the west side of Forest Avenue, north of Warren Avenue (one stall)

On the west side of Main Street, south of Franklin Street (two stalls)

(c) No person shall park or let stand any automobile, motor vehicle or other vehicle at any time in any designated access aisle adjacent to any parking place specifically reserved for persons with disabilities, designated by the posting of "disabled parking only" signs or in any area striped with pavement markings or otherwise designated for disabled persons accessibility.

(d) No person shall park or let stand any automobile, motor vehicle or other vehicle at any time in any location in which parking places have been reserved for parking by disabled persons by the use of signs or pavement markings, unless such automobile, motor vehicle or other vehicle is used immediately prior to parking or immediately after parking by or for transportation of a disabled person, as evidenced by display on such vehicle of one of the following:

(1) A disabled registration plate or disabled parking placard issued by the State of Illinois pursuant to its authority under Section 5/3-616 of Chapter 625 of the Illinois Compiled Statutes and displayed by hanging on the rearview mirror of the vehicle, or if no rearview mirror is available, by placement on the dashboard or visor.

(2) A disabled parking placard issued by a municipality pursuant to its authority under Section 5/11-1301.2 of Chapter 625 of the Illinois Compiled Statutes and displayed by hanging on the rearview mirror of the vehicle, or if no rearview mirror is available, by placement on the dashboard or visor.

(e) Any person who violates this section shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00).

(f) A Village of Downers Grove disabled parking placard can be obtained upon a showing by adequate documentation that the person for whose benefit the placard is to be issued has a Class 1A or 2A disability under the provisions of Section 4A of the Illinois Identification Card Act. (15 ILCS 335/4A) The cost for obtaining such a placard ~~or a replacement placard shall be \$2.00~~ shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(g) It shall not be a defense to a charge under this section that either the sign posted pursuant to this section or the intended accessible parking place does not comply with the technical requirements of state law 625ILCS 5/11-301 or of this local ordinance if a reasonable person would be made aware by the sign or notice on or near the parking place that the place is reserved for a person with disabilities. (See

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similar State law at 625ILCS 5/11-1301.3(c)). (Ord. No. 2001, § 1; Ord. No. 2522, § 1; Ord. No. 2745, § 39; Ord. No. 2860, § 2.)

Section 32. That Section 14.109. is hereby amended to read as follows:

14.109. Parking Fees for the Parking Deck

(a) The following types of parking and associated fees are to be permitted in the Parking Deck. The spaces designated for each use shall be so marked with adequate signs located in the Parking Deck. The number of spaces allocated for each types of use may be adjusted from time to time depending on demand.

- (i) 4-hour parking - free
- (ii) daily fee parking - \$3.00 per day (Level 5, after 8:00 a.m.)

(iii) quarterly commuter parking permit -

(1) \$90.00 per quarter (resident)

(2) \$120.00 per quarter (non-resident)

(3) \$195.00 per quarter for Resident Overnight (Lot R) permit parking.

(4) If payment for a quarterly commuter parking permit (Rate Class I, II or V) is not received forty-five (45) days following the date of the issued invoice, a twenty-five dollar (\$25.00) late fee will be assessed in addition to the cost of the permit.

(5) If payment and late fee are not received fifty-five (55) days following the date of the invoice, the permit will no longer be valid and the holder will no longer be eligible to park in the previously assigned lot/space.

(iv) downtown employee overlay parking permit - \$25.00 per quarter.

(1) If payment for a quarterly downtown employee overlay parking permit (Rate Class III) is not received forty-five (45) days following the date of the issued invoice, a ten dollar (\$10.00) late fee will be assessed in addition to the cost of the permit.

(2) If payment and late fee are not received fifty-five (55) days following the date of the invoice, the downtown employee overlay parking permit will no longer be valid and the holder will no longer be eligible to park in the previously assigned lot/space.

(v) an administrative fee ~~may be assessed~~ for the Village debit card for use of Daily Fee Automated Pay System shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(b) The space allocation and fees listed previously shall be in effect each weekday (M-F) until 3:00 PM. After 3:00 PM all spaces are designated as free parking until 2:00 AM except that Lot R permits are valid at all times.

(c) Payment for daily fee commuter parking shall be provided through the Daily Fee Automated Pay System. These spaces may be lawfully occupied by a vehicle only for the period of time for which lawful coins, paper currency of a Village debit card that carries a positive balance in United States currency prior to use has been deposited in the automated pay system designated for such parking space use, computed in accordance with and subject to the maximum lawful parking time period set in the designated space.

Section 33. That Section 14.111.2. is hereby amended to read as follows:

14.111.2. Cash Key System.

The Cash Key System is hereby established. The Village has equipped all nine-hour and twelve-hour parking meters on Main Street, Belmont Road, Fairview Avenue and Burlington Northern Train Stations with Duncan Eagle electronic meters. In addition to accepting quarters, these meters will also accept a cash key. The cash key is the equivalent of money and replaces the many quarters otherwise needed for meters with a convenient substitute which can be carried on a key ring. The cash key may be purchased at Village Hall during normal business hours. An administrative fee ~~may be assessed~~ for the Village cash key shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". At

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the time of purchase of the cash key, a holder may purchase any monetary increment to be programmed into the cash key. When the amount of money programmed into the cash key is exhausted, a holder may return to Village Hall to purchase additional monetary credit to be programmed into the cash key. Since the cash key is the equivalent of money, no refunds may be issued for lost keys.

Section 34. That Section 15.36. is hereby amended to read as follows:

15.36. Same--Fees.

The fee for a commercial solicitation permit shall be ~~an initial payment of twenty-five dollars~~ set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule", effective for up to one year from date of initial application. (Ord. No. 2833, § 2.)

Section 35. That Section 17.2.1. is hereby amended to read as follows:

17.2.1. Chief of Police--Duties.

The Chief of Police shall be the chief executive of the police department and report to the Village Manager and be responsible to the Village Manager for the effective administration of the police department and all activities assigned thereto. The Chief of Police shall direct police work of the Village, shall be responsible for the enforcement and maintenance of law and order, and shall have the authority: a) to manage, direct, and control the operations and administration of the department; b) when authorized by the Village Manager, to appoint, remove or demote Deputy Police Chiefs; c) to execute and enforce all laws and all lawful orders of the Village Manager, Mayor and Village Council; d) to protect the rights of persons, to protect property within the Village, and to provide proper police response to meet the needs of the Village; e) to promulgate rules and regulations governing the conduct of members of the department, subject to the review and approval of the Village Manager; and f) to maintain a list of towing operators qualified to provide police directed towing services, and to establish the rates, rules and regulations for such services, and to recommend the amount of an administrative fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" to be charged vehicle repair shops for Village authorization of a tow of an abandoned vehicle at the shop, such recommendation to be approved by the Village Treasurer pursuant to the provisions of this Code and any Village rules or regulations. (Ord. No. 3197, § 1.)

Section 36. That Section 19.14.1. is hereby amended to read as follows:

19.14.1. Certain construction activities; sidewalk improvements required.

(a) No person shall improve any parcel within the Village, except for accessory buildings and reconstruction or remodeling of or additions to existing buildings in any single-family or two-family residential zoning district, without first obtaining a sidewalk permit from the Director of Public Works.

(b) No person shall construct any building, except for accessory buildings and reconstruction or remodeling of existing buildings, or additions to existing buildings which amount to less than twenty-five percent of the gross floor area of such building, in any zoning district in the Village other than single-family and two-family districts, without first obtaining a sidewalk permit from the Director of Public Works.

(c) The permits required by paragraphs (a) and (b) hereof may be issued if one of the following requirements are met:

(1) If any street abutting the property on which such improvement or construction is to occur does not currently have an existing sidewalk and is depicted on the map or schedule on file in the Public Works Department of the Village as a street on which sidewalk construction is to be required, sidewalks shall be constructed along the entire street frontage of such parcel or the property owner shall pay a fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" equal to the cost to the Village per square foot for construction of the sidewalk abutting the property, as such fee is determined annually by the

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Director of Public Works.

(2) If any street abutting the property on which such improvement or construction is to occur does not currently have an existing sidewalk and is not depicted on the map or schedule on file in the Public Works Department of the Village as a street on which sidewalk construction is required, the property owner shall pay a fee equal to the cost to the Village per square foot for construction of the sidewalk abutting the property, as such fee is determined annually by the Director of Public Works.

(3) If any street abutting the property on which such improvement or construction is to occur does currently have an existing sidewalk that was constructed in the past as part of a Village construction program for which the adjacent current or previous property owner did not pay a fee for the sidewalk, the property owner shall pay a fee equal to the cost to the Village per square foot for construction of the sidewalk abutting the property, as such fee is determined annually by the Director of Public Works.

(4) In the case of a corner lot, the new sidewalk or fee paid for new sidewalk shall be for the sidewalk along the access side of the property.

(5) Any fees collected as required under the previous paragraphs (1), (2) or (3) shall be utilized by the Village for construction of sidewalks and said funds shall be deposited into the Village's Capital Projects Fund.

(d) Any person aggrieved by any decision of the Director of Public Works regarding construction of sidewalks abutting such person's property may appeal the decision within thirty days of the date thereof to the Plan Commission which shall hear and decide such appeal. Application for such appeal shall be in writing, accompanied by a one hundred dollar (\$100.00) application fee. The Plan Commission may either affirm the decision of the Director of Public Works, or may reverse such decision. The procedure set forth in this paragraph shall constitute the only available administrative remedy for any person aggrieved by any decision of the Director of Public Works with respect to sidewalk construction and the determination of the Plan Commission on an appeal shall be the final administrative decision of the Village, from which any further appeals shall be to a court of competent jurisdiction. (Ord. No. 3288, § 2.)

Section 37. That Section 19.17. is hereby amended to read as follows:

19.17. Obstructions or encroachment of public land regulated.

Except as provided herein, it shall be unlawful for any person to build, construct, install or maintain or permit to be built, constructed, installed or maintained, over, in or on any street, alley or public land any building, fence, porch, steps, gallery, structure or other obstruction. Provided, the following may be permitted as provided in the applicable regulations and subject to such regulations as shall be adopted governing such work:

(a) Improvements and/or facilities authorized pursuant to the Downers Grove Appearance Code as provided in Chapter 7 of the Downers Grove Municipal Code.

(b) Improvements and/or facilities authorized as permitted commercial activities pursuant to Article IV of this Chapter.

(c) A temporary building or structure may be constructed or placed upon a parkway if a permit therefor has been obtained as provided in Article II of this Chapter.

(d) Structures or appurtenances of a Public Utility or railroad regulated by the Illinois Commerce Commission, to the extent such facilities are approved by the Illinois Commerce Commission and subject to the condition that a permit is obtained as provided in Article II of this Chapter. Provided further, a franchise agreement may be required to the extent permitted or authorized under state or federal law.

(e) Poles, wires, mains, pipe conduits or other work or things of any person who is not a Public Utility, subject to the condition that a permit is obtained as provided in Article II of this Chapter. Provided further, a franchise agreement may be required to the extent permitted or authorized under state or federal law.

(f) Improvements and/or facilities of the Village, or any other governmental entity as authorized by the Village.

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(e) A written encroachment license agreement approved by the Village Manager shall be executed by the owner of the property. Fees for filing an encroachment license shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule."

Section 38. That Section 22.15. is hereby amended to read as follows:

22.15. Application for and issuance of cab company license.

The cab company shall apply to the Village Clerk for a cab company license before operating any taxicabs within the Village. The application for a cab company license shall be approved by the commissioner and a cab company license issued pursuant to the following rules and regulations:

(a) Application shall be made by the cab company in writing to the Village Clerk on a form as reasonably required and approved by the commissioner. A license fee of ~~two hundred dollars~~ as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be submitted with the application. A cab company license shall be valid for a period of three (3) calendar years except for the license term beginning January 1, 1996, and extending through March 31, 1998. Each license term thereafter will be for three years extending from April 1 to March 31. The full license fee shall be paid no matter when the license is applied for or issued. If the application is for renewal of a cab company license, the application shall be submitted to the Village Clerk by March 1 of the year in which the license will expire. Applications filed after this deadline shall be considered a late filing but shall be accepted by the Village Clerk provided a late filing fee of ~~\$50.00~~ as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" is submitted with the application and the license fee.

(b) The cab company shall be required to include in the application a true statement of certain facts including, but not limited to, the state of incorporation of the cab company if the cab company is a corporation; whether the cab company is organized and qualified to do business under the laws of the state if the cab company is a corporation; the cab company's principal place of business; the names of the individuals who own the cab company; whether the cab company is a corporation, partnership or sole proprietorship; the registered agent of the corporate cab company, and the principal office of the cab company.

(c) The cab company shall, with its application for a cab company license, register or cause to be registered each taxicab operated by or operated for, such company within the Village. The following information for each taxicab to be registered shall be provided:

- (1) The year, make, color and vehicle identification number of the taxicab.
- (2) Name, address, and telephone number of the owner of the taxicab.
- (3) Written certification that required safety inspections of the taxicab and inspection of the taximeter have been completed within thirty days prior to application and that these inspections find the taxicab to be safe and the taximeter to be in proper working order and accurate.

(d) The Village shall investigate the owner(s) of the applicant cab company. If this investigation or the application materials uncovers information showing any of the following, the application shall not be approved and no license shall be issued to the cab company:

- (1) An owner(s) has been convicted of a felony based upon his/her conduct or involvement in such business or activity or related or similar business or activity within the past ten years;
- (2) An owner(s) has been convicted of a felony or misdemeanor unrelated to his/her conduct or involvement in such business or activity or related or similar business or activity, but which felony or misdemeanor involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including criminal sexual assault and sexual abuse, within the past ten years;
- (3) An owner(s) has been convicted of a misdemeanor or licensing ordinance violation based upon his/her conduct or involvement in such business or activity or related or similar business or

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activity within the past two years; or

(4) The owner(s) or applicant(s) has misrepresented facts in the application for a license.

(e) The owner(s) or applicant(s) shall submit his/her fingerprints to be used in completing the investigation. Owner(s)/applicant(s) are required to present themselves for fingerprints to be taken by the Downers Grove Police Department or by a State approved agency. Applicant shall pay a fingerprint fee assessed by the Village. Provided, in the case of a renewal application, fingerprints and the fingerprinting fees shall not be required from a renewal applicant whose fingerprints are on file, unless the Village determines that there may be reason to believe that the renewal applicant may have unreported convictions.

(f) The cab company shall be required to file with the Village Clerk, along with its application for a cab company license, a certificate of insurance showing that the cab company, its drivers and employees, are adequately insured against public liability, property damage and workmen's compensation claims on account of its operation of taxicabs in the Village, and shall provide proof of automobile liability insurance for each taxicab registered pursuant to this section. Taxicab companies with independent contractors as taxicab drivers must cause each driver to provide proof of automobile liability insurance for each taxicab registered pursuant to this section. The limits for the required automobile liability insurance shall be not less than \$100,000 for injury to any one person or \$300,000 for personal injuries in any one occurrence, and not less than \$25,000 for property damage in any one occurrence. If the insurance expires or is otherwise terminated during the term of the license, the cab company shall submit to the Village, within 15 days of receipt thereof, a new certificate of insurance showing that the policy has been renewed or a new policy obtained which meets the requirements of this section.

(g) Failure to fully comply with the application and disclosure requirements of this section shall constitute grounds for the commissioner to deny issuance of a cab company license to any cab company.

(h) Issuance or Denial - Taxi Cab Company License. The Taxi Cab Commissioner shall, within 45 days after submittal of a properly completed application, or within such other period of time as the Village and the applicant shall otherwise agree, either issue or deny issuance of a taxi cab company license pursuant to this Ordinance. Provided, if after 45 days a criminal history background investigation has not been completed, the Taxi Cab Commissioner may issue a temporary taxi cab company license during the investigation period. The temporary taxi cab company license shall only be valid for 90 days from the date of issuance and shall automatically terminate at the end of the 90 day term. The Taxi Cab Commissioner has the right to revoke the temporary taxi cab company license immediately upon an unsatisfactory completion of a criminal history background investigation. (Ord. No. 2002, § 1; Ord. No. 2355, § 5; Ord. No. 2579, § 6; Ord. No. 3174, § 1.)

Section 39. That Section 22.19. is hereby amended to read as follows:

22.19. Application for and issuance of taxicab driver's license.

The driver of any taxicab to be operated within the Village for a cab company licensed to operate taxicabs in the Village, shall apply for a taxicab driver's license before driving a taxicab in the Village. The application for a taxicab driver's license shall be approved by the commissioner and a taxicab driver's license issued pursuant to the following rules and regulations:

(a) Application shall be made by the driver in writing to the Village Clerk on a form as reasonably required and approved by the commissioner. Prior to issuance of the license, a license fee ~~of fifty dollars (\$50.00)~~ as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be submitted. The taxicab driver's license shall be valid for a period of two (2) calendar years extending from April 1 to March 31. The full license fee shall be paid no matter when the license is applied for or issued.

(b) The driver shall be required to include in the application a true statement of certain facts

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including but not limited to, the age of the driver, the driving convictions of the driver, the type of state driver's license of the driver, any felony convictions of the driver, the address and home telephone number of the driver.

(c) At the time of application, the driver shall submit his or her driving abstract obtained from the Illinois Secretary of State's Office within thirty (30) days prior to the submittal of the application for a license.

(d) The Village shall investigate the applicant for a taxicab driver's license. If this investigation or the application materials uncover information showing any of the following, the application shall not be approved and no taxicab driver's license shall be issued to that applicant:

(1) The applicant has been convicted of a felony based upon his/her conduct or involvement in such business or activity or related or similar business or activity within the past ten years;

(2) The applicant has been convicted of a felony or misdemeanor unrelated to his/her conduct or involvement in such business or activity or related or similar business or activity, but which felony or misdemeanor involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including criminal sexual assault and sexual abuse, within the past ten years;

(3) The applicant has been convicted of a misdemeanor or licensing ordinance violation based upon his/her conduct or involvement in such business or activity or related or similar business or activity within the past two years;

(4) The applicant has been convicted of driving under the influence of drugs or alcohol within the past five years.

(5) The applicant has been convicted of reckless driving within the past five years;

(6) The applicant's driver's license has been suspended for violations concerning his/her operation of a motor driven vehicle within the past five years; or

(7) The owner(s) or applicant(s) has misrepresented facts in the application for a license.

(e) The driver shall submit his/her fingerprints to be used in completing the investigation. Applicants are required to present themselves for fingerprints to be taken by the Downers Grove Police Department or by a State approved agency. Driver shall pay a fingerprint fee ~~assessed by the Village as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule"~~. Provided, in the case of a renewal application, fingerprints and the fingerprint fee shall not be required from a renewal applicant whose fingerprints are on file, unless the Village determines that there may be reason to believe that the renewal applicant may have unreported convictions.

(f) The applicant for a taxicab driver's license shall provide to the Village Clerk with hi/her application evidence that he holds a valid Illinois operator's license that allows him to operate taxicabs under the laws of the state.

(g) The taxicab to be driven by the driver applying for the license shall pass a taxicab safety inspection within thirty days of application for a taxicab driver's license. Such inspections shall be conducted by Village approved testing stations according to the standards established by the Village. For taxicabs validly operating in the Village on April 1, 1997, the driver shall have the taxicab inspected on or before April 1, 1998. Upon successful completion of the inspection, a certificate of safety inspection will be issued and must be placed on the windshield of the taxicab. These safety inspections shall be valid for one year. Taxicabs shall be reinspected during the term of the driver's license whenever the certificate of inspection expires. If the driver changes taxicabs, the new taxicab shall be inspected pursuant to this subsection before it can be operated in the Village. No taxicab shall be operated within the Village without displaying a current and valid Village certificate of safety inspection. Upon issuance of a taxicab driver's license, the driver shall at all times when operating a taxicab in the Village carry a license card that contains his/her name, license number and year for which the license is valid. The taxicab driver shall exhibit this card upon the request of any passenger or police officer.

(h) Failure to comply with the application and disclosure requirements of this section shall constitute grounds for the commissioner to deny issuance of a taxicab driver's license to any driver.

(i) Issuance or Denial - Taxi Driver's License. The Taxi Cab Commissioner shall, within 45 days

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after submittal of a properly completed application, or within such other period of time as the Village and the applicant shall otherwise agree, either issue or deny issuance of a taxi cab driver's license pursuant to this Ordinance. Provided, if after 45 days a criminal history background investigation has not been completed, the Taxi Cab Commissioner may issue a temporary taxi cab driver's license during the investigation period. The temporary taxi cab driver's license shall only be valid for 90 days from the date of issuance and shall automatically terminate at the end of the 90 day term. The Taxi Cab Commissioner has the right to revoke the temporary taxi cab driver's license immediately upon an unsatisfactory completion of a criminal history background investigation. (Ord. No. 2002, § 1; Ord. No. 2579, § 10.)

Section 40. That Section 24.4. is hereby amended to read as follows:

24.4. General Provisions.

Unless authorized by the Village, it shall be unlawful:

(a) For any person or entity to remove any tree on Village owned or maintained land without having obtained a tree removal permit.

(b) For any entity or person to plant, prune, remove, destroy, break, cut, deface, or in any way cause the demise, damage, injure or interfere with any tree, shrub or vegetation in any right-of-way of any street or alley or on any property owned or maintained by the Village, unless authorized by a valid permit. Any unauthorized plantings may be removed at the discretion of the Village Forester.

(c) For any entity or person to deposit, place, store or maintain upon the ground in the right-of-way of any street or alley or on any property owned or maintained by the Village, any stone, cement or other material which shall impede free passage of water and air to the roots of the tree within the Critical Root Zone, defined in Section 24-7.

(d) For any entity or person owning, maintaining or operating any gas pipes or mains laid beneath the surface of any parkway in the Village, to permit any leak to occur in such pipes. In the event that a leak exists or occurs in any pipe or main, the person owning or operating such defective pipe or main shall repair the same immediately and stop such leak in a manner so as to prevent a recurrence of the same after receiving notice from the Public Works Department of the Village calling the attention of such person to the fact that such leak exists or has occurred. Such person shall, promptly and in any event within five days after the receipt of such notice, stop such leak in a manner so as to prevent a recurrence thereof.

(e) For any entity or person to attach any rope, wire, electric wire, insulator or any other electric device for holding electric wire to any tree now or hereafter growing on any property owned or maintained by the Village. Exceptions may include seasonal holiday lights, permanent cable and bracing systems, and lighting protection systems. Every entity or person having any wire charged with electricity shall, whenever practicable, securely fasten the same so that such wire shall not come in contact with any tree in any street or alley in the Village. When it becomes necessary to prune branches of trees in any right of way of any street or alley or any property owned or maintained by the Village for the benefit of any person running wire through such trees, the pruning shall be done consistent with the most currently accepted arboricultural practices at the expense of the person owning the wires.

(f) It shall be unlawful for any person owning or controlling property in the Village to permit the growth of any tree or shrub in such manner as to (1) obstruct the reflection of street lights, (2) obstruct the view by motor vehicle operators of any traffic control device within the public right-of-way, (3) obstruct or interfere with the passage of persons or vehicles on the streets or sidewalks of the Village, or (4) create a dangerous condition for persons or property on public streets, sidewalks or other public property including, but not limited to, any tree or shrub or part thereof which is likely to fall on or across any public property. For the purposes of this section, "traffic control device" shall include, but not be limited to, any sign, signal, or opticom equipment, placed or maintained by the Village to regulate, warn or guide traffic. Any person violating this section shall be required to prune or remove any such tree or shrub so that it will not create such an obstruction.

(1) When any person owning or controlling property in the Village fails to prune or remove any

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tree or shrub which is growing in such manner as to violate Section 24.4 (f) of this Code, the Village Forester will notify the owner of the property of the violation. If the owner fails to prune or remove such tree or shrub within ten (10) days after receipt of notice, the Village Forester will cause such tree or shrub to be pruned or removed, and any reasonable expense incurred by the Village for the pruning or removal, including any administrative costs incurred as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" to prune or remove the tree or shrub and in billing the owners for the cost, shall be a charge against the owner which may be recovered in an appropriate action at law. In addition to all other remedies provided by law, the Village shall have the right to place a lien on the property on which such tree or shrub was growing for the reasonable cost of the pruning or removal thereof. Such lien shall be superior to all other liens and encumbrances except tax liens. Within one hundred twenty (120) days after such cost is incurred, the Village shall cause to be filed a notice of lien in the office of the Recorder of Deeds of DuPage County. Such notice shall include the following information: (a) a description of the real estate sufficient for identification thereof; (b) the amount of money representing the cost and expense incurred or payable for the pruning or removal, including any administrative costs incurred in causing the pruning or removal and in billing the owner for the cost; (c) the date or dates which such cost and expense was incurred. The Village shall also provide a statement that the amount owed shall accrue interest at ten percent (10%) a year for each year the amount remains unpaid. Upon payment of the cost and expense by the owner of, or persons interested in, said real estate, after the notice of lien has been filed, the Village shall issue a release of such lien, which may be filed of record in said Recorder's office.

(g) For any entity or person to attach any sign, advertisement or notice to any public tree.
(R.O. 1925, § 211.)

Section 41. That Section 24.6. is hereby amended to read as follows:

24.6. Infectious Disease Control.

(a) Infectious, diseased trees declared public nuisance; duty of owner to cut trees.

Any live or dead tree on private property which is infected with an infectious disease, or which harbors vectors that transmit infectious disease (such as insects and other arthropods), is hereby declared to be a public nuisance injurious to the public health and welfare. Infectious disease includes, but is not limited to, Dutch Elm Disease, Elm Yellows, Oak Wilt, or Pine Wilt.

(b) Allowing infested trees to remain prohibited.

It shall be unlawful for any person owning or controlling any lot, tract or parcel of land to knowingly permit any and all trees, infected with infectious disease or vectors that transmit infectious disease, to remain on such property. It shall be the duty of such persons to see that all such trees are properly cut down and removed from the property. The failure to remove and destroy such trees shall constitute a violation of this section, and shall be punishable by fine or penalty in addition to such costs as may be incurred by the Village in enforcing and carrying out the provisions of this chapter.

(c) Inspection for infectious diseased trees.

In the event the Village Forester has reasonable cause to believe, either by virtue of its appearance or otherwise, that any tree located within such Village is or might be infected with infectious disease or is or might harbor vectors that transmit infectious disease, the Village Forester is hereby authorized and directed to enter on and upon any private or public property whereon such tree may be located for the purpose of inspecting such suspected tree, marking or identifying the tree, and removing therefrom samples or portions thereof so that same may be tested to establish whether or not such tree is in fact diseased.

(d) Notice to remove infectious diseased trees.

When any infectious live or dead tree is discovered by the Village Forester, the Village Forester will give a written notice, which may be served personally or sent by certified mail, to the person to whom was sent the tax bill for general taxes for the last preceding year on the property. Such notice shall identify the property, by common description, the tree or trees affected.

(e) Removal of infected trees by Village; cost of removal to be lien.

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In the event that any such infectious live or dead diseased tree is not removed within thirty (30) days from the date of the delivery or sending of such notice, then the Village Forester shall enter upon such property with a licensed tree service and cut down and remove such tree and invoice the property owner(s) for the cost thereof. Within one hundred twenty (120) days thereafter the Village shall file in the Office of the Recorder of Deeds of the County, a notice of lien which shall include the following information: (a) a description of the real estate sufficient for identification thereof; (b) the amount of money representing the cost and expense incurred or payable for the removal, including any administrative costs incurred as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" in causing the removal and in billing the owner for the cost; (c) the date or dates on which such cost and expense was incurred. The Village shall also provide a statement that the amount owed shall accrue interest at ten percent (10%) a year for each year the amount remains unpaid. Upon payment of the cost and expense by the owner of, or persons interested in, said real estate, after the notice of lien has been filed, the Village shall issue a release of such lien, which may be filed of record in said recorder's office. (R.O. 1925, § 210.)

Section 42. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 43. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk



Village of Downers Grove

Administrative Regulation Issued by Village Manager

Description:	Procedures for Establishing and Amending Administrative Fees REPEALED	
Manager's Name:	David Fieldman, Acting Village Manager	Effective Date: 08/06/08
Category:	Financial Services	
	_____ New Administrative Regulation	12/27/06; 08/10/06; 07/16/05; 10/05/04;
	<input checked="" type="checkbox"/> _____ Amends Previous Regulation Dated:	11/01/96
	_____ Description of Previous Regulation (if different from above):	

~~Where the Downers Grove Municipal Code allows an administrative fee to be assessed in certain circumstances but does not set forth the exact amount of that fee, the Village Treasurer (Director of Finance) shall approve the actual amount of the fee or any changes to the fee amount. The Treasurer shall approve a fee or a change in a fee only after determining that the new fee amount covers the full costs incurred by the Village in processing a certain matter. The Treasurer shall notify the Village Council of the amount of any fee establish under this policy or increased or decreased pursuant to this policy.~~

~~Any department wishing to establish an administrative fee should confirm that the fee is authorized by the Municipal Code. If there is no authorization for the fee, a memorandum should be forwarded to the Legal Department describing the fee proposed and including the types of costs for which the fee will cover. If appropriate, the Legal Department will draft the necessary ordinance to authorize the fee.~~

~~To establish a fee authorized by the Municipal Code or change a fee that has already been established, the department shall forward to the Village Treasurer a cost center analysis setting forth in detail the costs incurred to process the matter. This should include any actual costs such as certified letters or filing fees for the filing of documents with the DuPage County Recorder of Deeds Office and any personnel costs incurred (i.e. time spent in finding a contractor to do the work and time spent in completing any necessary paperwork).~~

~~The Village Treasurer may request additional information from the department and may, in his discretion, refer the request to the Revenue Task Force for its review. Any new or revised administrative fees will be detailed and approved as part of the annual budget process.~~

~~Administrative fees authorized by the Municipal Code, but for which no specific fee amount is established therein, are set as follows:~~

~~1) \$75.00 if a person or entity damages Village property and is billed for the cost of the replacement or repair of the property by an independent contractor pursuant to Section 1-21 of the Municipal Code. If the repair or replacement is conducted by the Village, the administrative costs will be included in the force account billing prepared for the work conducted pursuant to Section 1-21 of the Municipal Code.~~

~~_____ 2) \$25.00 if an NSF notice is received by the Village pursuant to Section 2.33.1, plus any additional fees charged by the banking institution.~~

~~3) \$30.00 as a rabies bond when an animal is impounded and there is no proof of a current rabies injection. (See Section 5-8(b) of the Municipal Code).~~

- 4) ~~\$10.00 a day for the feeding and maintenance costs of any impounded animal pursuant to Section 5-9 of the Municipal Code.~~
- 5) ~~\$40.00 if Village abates nuisance and bills the owner for the costs to abate pursuant to Section 13-8 of the Municipal Code.~~
- 6) ~~\$35.00 if Village treats for mosquitoes and bills the owner for the costs of treatment pursuant to Section 13-13 of the Municipal Code.~~
- 7) ~~\$40.00 if Village cuts weeds and bills the owner for the costs of removal pursuant to Section 13-18 of the Municipal Code.~~
- 8) ~~\$25.00 on each unpaid parking ticket referred to a collection agency pursuant to Section 14-97.4 of the Municipal Code.~~
- 9) ~~\$3.00 for a Village debit card for parking pursuant to Section 14-109 of the Municipal Code.~~
- 10) ~~\$25.00 for a Village Cash Key for parking pursuant to Section 14.111.2 of the Municipal Code.~~
- 11) ~~\$85.00 for authorization of a tow of an abandoned vehicle at a vehicle repair shop pursuant to Section 17-2.1 of the Municipal Code.~~
- 12) ~~\$70.00 if Village prunes or removes a tree that obstructs street lights, or the passage of persons on streets or sidewalks, and bills the owner for the costs pursuant to Section 24.4(f)(1) of the Municipal Code. An additional fee of \$100.00 shall be charged if payment is not received within thirty (30) days.~~
- 13) ~~\$70.00 if Village removes a diseased tree and bills the owner for the cost of removal pursuant to Section 24.6(e) of the Municipal Code. An additional fee of \$100.00 shall be charged if payment is not received within thirty (30) days.~~
- 14) ~~\$106.00 for a one week loan of an animal trap including Village disposal of any animals that are caught. (See Section 5-25 of the Municipal Code)~~
- 15) ~~\$125.00 for required signage on demolition and construction sites pursuant to Section 7-11 and 7-11.1 of the Municipal Code.~~
- 16) ~~\$55.00 per lineal foot for sidewalk construction pursuant to Section 19-14.1(c) of the Municipal Code.~~

~~Any changes to the fees set forth above must be processed pursuant to this policy.~~

~~1:\mw\Policy\Admin-Regs\AdminFees08-06-08-final;~~



Village of Downers Grove

Official Village Policy Approved by Village Council

Description:	User-Fee, License and Fine Umbrella Policy	
Res. or Ord. #:	Ord. No. 5122	Effective Date: 02/16/2010
Category:	Legislative and General Management	
	<input checked="" type="checkbox"/> New Council Policy	
	Amends Previous Regulation Dated: _____	
	Description of Previous Regulation (if different from above): _____	

ORDINANCE 5122

AN ORDINANCE ESTABLISHING A VILLAGE COUNCIL POLICY REGARDING USER-FEES, LICENSES AND FINES

WHEREAS, the Village of Downers Grove provides services to the public and charges user-fees to recover the costs of providing these services; and,

WHEREAS, the Village of Downers Grove issues licenses to regulate certain activities within Village boundaries and charges fees upon issuance of these licenses; and,

WHEREAS, the Village charges monetary fines to individuals for acts in violation of the Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

SECTION 1: USER-FEES

1. User-fees are defined as monetary charges for services which benefit either a limited group or all members of the community and the individual benefit of each user can be measured or fairly approximated.
2. User-fees shall be implemented which are uncomplicated, easy to understand and easy to calculate. Additionally, fees shall be established which are easily administered by Village staff.
3. User-fees shall be established which recover the full costs of providing a particular service. "Full" costs are defined as the sum of all direct and indirect costs associated with providing a particular service. "Direct" costs shall include all costs associated with performing the service including staff time and employee benefits. "Indirect" costs shall include items which are administrative, supportive or attributable to municipal facilities or capital assets.

4. In cases where the full costs of providing a particular service to the community are disproportionately high or low, the Village shall consider the user-fees charged in comparable municipalities for similar services when establishing and updating specific user-fees.
5. In certain cases, user-fees shall be adjusted in an effort to encourage specific behaviors as determined by the Village.
6. Fee waivers shall be addressed separately in the official Village Council policy entitled "Council Policy with Regards to Fee Waivers."

SECTION 2: LICENSES

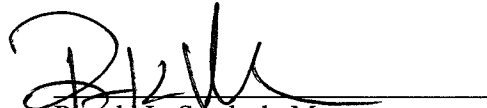
1. The Village shall issue a license in an effort to regulate a specific activity based on the following guidelines:
 - a. To protect the public from health or safety hazards
 - b. To comply with statutory mandates to govern certain activities
 - c. To maintain the aesthetic value of the community
 - d. To protect consumers from undue interference from solicitors
2. The Village shall consider the following items when establishing or updating license fees:
 - a. The full costs associated with issuing, administering and enforcing the license
 - b. The objective of the license
 - c. Market factors
 - d. Policy goals
 - e. Competitiveness with comparable communities

SECTION 3: FINES

1. The Village may charge a fine for a Municipal Code violation in an effort to achieve the following:
 - a. To correct past behavior
 - b. To encourage compliance with Village rules and regulations
 - c. To discourage a particular behavior or practice
 - d. To ensure the timely payment of Village fees
 - e. To promote the public good
2. The Village shall establish fines which are proportional to the Municipal Code violation which they are trying to discourage (i.e. fines for more serious offenses shall be higher than fines for lesser offenses).

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect from and after its passage as provided by law.


Ronald L. Sandack, Mayor

Passed: February 16, 2010
Published: February 17, 2010
Attest: April K. Holden, Village Clerk



Village of Downers Grove

Administrative Regulation Issued by Village Manager

Description:	Temporary Use Permits: Procedures for application, approval and issue.	
Manager's Name:	David Fieldman	Effective Date: 04/20/10
Category:	Legal & General Management	
	<input type="checkbox"/> New Administrative Regulation	
	<input checked="" type="checkbox"/>	Amends Previous Regulation Dated: 08/05/09
	Description of Previous Regulation (if different from above): _____	

The Downers Grove Municipal Code references Temporary Use Permits in Chapter 4. This Administrative Regulation outlines specific permit requirements and determines the procedures staff should follow with regards to the processing, approval and issue of Temporary Use Permits.

APPOINTMENT OF PROJECT MANAGER

The Director of Community Development shall designate a member of his/her staff as the Temporary Use Project Manager (PM). The PM will be the customer's single point of contact for any application, except those involving liquor, which also requires that the applicant coordinate with the Liquor Liaison.

LIMITS

An applicant must file a separate Temporary Use application for each event. Annual events must be submitted on a yearly basis with new documentation and cannot be extended from a previous application.

PROCESSING OF APPLICATIONS

Applicants should contact the Village well in advance of their event to discuss their plans. Adequate time must be allowed for staff review, any plan revisions and possible approval by the Village Council.

Applications must be received by the Village a minimum number of business days in advance, determined by the type of event and its individual elements.

Festivals, carnivals, circuses or similar activity on the streets and public ways of the Village: 60 days

Athletic Events such as foot races, marathons, bike races, etc: 60 days

Outdoor café: 14 days

Outdoor sales of merchandise: 14 days

Raffles: 14 days

Parades: 14 days

Open Air Meetings: 14 days

Block parties: 7 days

Applications received after the recommended number of days lead time may not be accepted/considered.

APPLICATION AND SUPPORTING DOCUMENTS

The following are to be submitted by all applicants.

- **Temporary Use application.**
- A copy of the **Plat of Survey** of the property. (This is to be supplied by the Property Owner or Landlord. The Village does not provide this.)
- **Site Plan** drawn to scale and with sufficient detail to depict the proposed event area in relation to the surrounding structures, streets and sidewalks. The plan should show the location of any and all entrances, exits, tables, decorations, furnishings, equipment, electrical plan, removable perimeter barriers, any other temporary structures such as tents, trailers, portable restrooms, and the location and size of any temporary signs.
- Written **Operating Plan** describing how the event will operate. The applicant shall consider all details, including, but not limited to the dates, days and hours of operation, number of guests expected, liquor service, number of staff on duty, security, maintenance, parking plan, proposed menu, and restroom provisions.

Additional documents as needed:

- **Letter from Landlord.** If applicant rents a property, a letter must be included from the landlord stating that they give their permission to use the property in such a manner.
- If the applicant is a not-for-profit organization requesting a fee waiver, a copy of the 501 3(c) shall also be submitted.
- Certificate of Flame Retardancy (for any tents)
- Text of message on any Temporary Signs. *Temporary Signs must be in conformance with the Sign Ordinance (28.1501.05).*
- Certificate of Liability Insurance, as required by the Village Attorney.
- Encroachment License, in conjunction with an outdoor café.
- Fingerprinting documentation, as required for Carnivals and Circuses. *See Temporary Use application.*

REVIEW

The PM is responsible for opening a permit in the EDEN system and circulating the complete application package to the following parties for approval.

All applications:

- Director of Community Development
- Fire Prevention Division Chief
- Police Chief

Other departments/directors may need to be consulted in the following instances:

- **Village Manager:** Parades and Open-Air Meetings; Events requiring the use of Village-owned property or Village services such as Police, Fire or Public Works; Requests for fee waivers; Events that may impact Village sponsored activities.
- **Director of Public Works:** Events requesting the use of Public Works services or equipment; Events located in areas impacted by Village construction projects.
- **Director of Community Events:** Events that may impact Village sponsored events.
- **Liquor Liaison:** Events involving the sales/consumption of liquor. A separate Special Event Liquor License must be applied for.
- **Village Clerk:** Events involving raffles. A separate Raffle Application must be filed.

- **Village Attorney:** Parades and Open-Air Meetings; Events requiring the use of Village-owned property or Village services such as Police, Fire or Public Works; Requests for fee waivers; Events that may impact Village sponsored activities; Activities requiring an Encroachment License.
- **Village Council—as determined by the Village Manager and Director of Community Development.**

Once approval has been obtained from all involved, the PM will notify the applicant and alert Fire Prevention staff.

INSPECTIONS

Temporary Structures are subject to inspection by the Community Development Department and Fire Department officials prior to the commencement of any activity for which a Temporary Use Permit is to be issued.

A site inspection will be conducted by the Fire Prevention Department prior to the start of the event. With notification of event approval from the PM, it is the applicant's responsibility to schedule the inspection.

Upon satisfactory inspection, Fire Prevention staff will issue the Temporary Use Permits.

FEES

All applications are subject to a Temporary Use Permit fee. **Applications received after the start of the temporary use shall be subject to a late fee.**

Additional fees are determined by the elements of the event, including but not limited to temporary signs, temporary structures or tents.

Applicants will be invoiced for the cost of any services rendered by the Police or Fire Departments and/or Public Works.

Security Deposits may apply to any Temporary Use Permit, as determined by the Village Manager and Director of Community Development.

RECORDS RETENTION

Applications and supporting documents in both electronic and hardcopy form shall be retained by the Village in compliance with the State Records Retention Act.



Village of Downers Grove

Administrative Regulation Issued by Village Manager

Description:	User-Fee, License and Fine Schedule	
Manager's Name:	David Fieldman, Village Manager	Effective Date: 04/20/10
Category:	Financial Services	
	<input checked="" type="checkbox"/> New Administrative Regulation	
	Amends Previous Regulation Dated: _____	
	Description of Previous Regulation (if different from above): _____	

USER-FEE, LICENSE AND FINE SCHEDULE

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[Chapter 1: General Provisions](#)

Copies of the following codes, regulations, plans, standards and ordinances may be obtained by payment to the Village of the following fees:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Late Penalty; Administrative fees	\$25.00	1.15.2.
Damage to Village Property	\$75.00/plus actual costs	1.21
Standard Copies	No charge	1.27
Color Copies	\$0.10/page	1.27
Plats or Maps	Actual cost of reproduction	1.27
Photographs, video tapes, DVDs or CDs	Actual cost of reproduction	1.27

[Chapter 2: Administration](#)

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Insufficient Funds Received (NSF)	\$26.50	2.33.1

[Chapter 3: Alcoholic Liquor](#)

The fee for the various classes of liquor licenses shall be as follows:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>

[Chapter 4: Temporary Use and Public Gatherings](#)

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Fingerprinting Fee	\$40.00	4.108

[Chapter 5: Animals and Fowl](#)

The following fees shall apply to animals and fowl within the Village limits:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Rabies Bond	\$30.00	5.8(b)
Impound Fee	\$20 1 st day + \$5/each day thereafter	5.9(1)
Feeding and Maintenance	\$10.00/day	5.9(2)
Impound w/in 6 months of prior Impoundment	\$100.00 + Feeding	5.9(3)
Animal Trap Loan	\$160.00/week	5.25

[Chapter 6: Bicycles](#)

The following fees shall apply to bicycles with the Village limits:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>

[Chapter 7: Buildings](#)

The following fees shall apply to buildings within the Village limits:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Demolition & Construction Signage	\$125.00	7.803 & 7.1801(k)

[Chapter 8: Business Activity Licenses / Regulations](#)

Fees for business activity licenses and regulations shall be as follows:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Business & Activity License Denial	\$50.00	8.3
Reading in the Art of Divination License	\$500/year or \$50/day	8.12
Fingerprinting Fee	\$40.00	8.13; 8.31.04; 8.31.07; 8.2007
Entertainment License Denial	\$100.00	8.31.04
Pre-Adolescent Entertainment Facility	\$1,925.00	8.31.07
Adolescent Entertainment Facility	\$1,925.00	8.31.07
Adult Entertainment Facility	\$1,925.00	8.31.07
Mixed Entertainment Facility	\$1,925.00	8.31.07
Entertainment License Variance Request	\$100.00	8.31.07
Electrical Contractor License (per year)	\$100.00	8.38
Electrical Contractor License Late Fee	\$100.00	8.38
Electrical Contract Written Test	\$75.00	8.39
Amusement Device License (>20)	\$600.00	8.50
Amusement Device License (20-29)	\$800.00	8.50
Amusement Device License (30-39)	\$1,000.00	8.50
Amusement Device License (40+)	\$1,200.00	8.50
Movie Arcade License	\$50.00	8.54
Class A Scavenger License	\$3,000.00	8.58
Class B Scavenger License	\$500.00	8.58
Scavenger License Late Filing Fee	\$500.00	8.61
Scavenger License Late Renewal Filing Fee	\$150.00	8.61
Going Out of Business/Removal Sale	\$25.00	8.70
Tree Removal License (per year)	\$75.00	8.73
Adult Establishment License Processing Fee	\$250.00 & \$5,000 letter of credit	8.1904
Massage Establishment License Processing Fee	\$250.00	8.2007
License and Renewal Fee	\$100.00	8.2007

[Chapter 9: Office of Emergency Management](#)

Reserved.

[Chapter 10: Electricity](#)

Fees with regards to electricity shall be as follows:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>
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[Chapter 11: Cable / Video Service](#)

Fees with regards to cable and video services shall be as follows:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>

[Chapter 12: Historic Preservation](#)

Reserved.

[Chapter 13: Health and Sanitation](#)

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Nuisance Abatement Notification	\$40.00+ costs	13.8
Mosquito Abatement	\$35.00	13.9
Noxious Weed Removal	\$35.00 +actual cost of removal	13.18
Recycling Bin	\$10.00	13.49.4(e)

[Chapter 13A: Housing](#)

Reserved.

[Chapter 14: Motor Vehicles and Traffic](#)

Fees with regards to motor vehicles and traffic shall be as follows:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Handicapped Placard	\$2.00	14.108(f)
Replacement Placard	\$2.00	14.108(f)
Debit Card	\$8.00	14.109(a)(v)
Cash Key Card	\$25.00	14.111.2

[Chapter 15: Offenses – Miscellaneous](#)

The following fees shall apply to miscellaneous violations of the Village’s Municipal Code:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Solicitation Permit	\$50.00	15.36

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[Chapter 16: Plumbing](#)

Fees with regards to plumbing are as follows:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>

[Chapter 17: Police and Fire](#)

The following fees shall apply to police and fire services:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Towing of Certain Vehicles	\$85.00	17.2.1

[Chapter 18: Sewers and Sewage Disposal](#)

The following fees shall apply to sewers and sewage:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>

[Chapter 19: Streets and Sidewalks](#)

The following fees shall apply to the construction of streets or sidewalks:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Sidewalk Construction	\$55.00/lineal foot	19.14.1(c)
Encroachment License	\$75.00	19.17

[Chapter 20: Subdivisions](#)

The following fees shall apply to the construction of subdivisions:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>

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[Chapter 21: Taxation](#)

Reserved.

[Chapter 22: Taxis and Other Vehicles for Hire](#)

The following fees are related to Taxi's:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Fingerprinting Fee	\$40.00	22.15; 22.19
Cab Company License Fee	\$200.00	22.15
Cab Company Late Filing Fee	\$50.00	22.15
Taxi Driver's License Fee	\$50.00	22.19

[Chapter 23: Repealed by Ord. No. 3257, § 1](#)

Reserved.

[Chapter 24: Trees and Shrubs](#)

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Tree Pruning	\$70.00/+ actual cost of pruning	24.4(f)(1)
Tree Pruning	\$70.00/+ actual cost of pruning	24.6(e)

[Chapter 25: Water](#)

The following fees are related to water:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>

[Chapter 26: Stormwater and Floodplain](#)

The following fees shall apply to stormwater and floodplain management:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>

[Chapter 27: Revenue Bonds](#)

Reserved.

[Chapter 28: Zoning](#)

The following fees shall apply to zoning:

<u>Fee Title</u>	<u>Amount of Fee</u>	<u>Code Section</u>

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<u>Ch.No.</u>	<u>Sect.No.</u>	<u>Chapter</u>	<u>Classification</u>	<u>Current Fee</u>	<u>New Fee</u>
1	27	General Provisions*	Standard Copy (8 1/2 x 11)	\$ 0.25	\$ -
1	27	General Provisions*	Standard Copy (11 x 17)	\$ 0.35	\$ -
1	27	General Provisions*	Standard Microfilm Copy	\$ 0.25	\$ -
1	27	General Provisions*	11" x 17" Microfilm Copy	\$ 0.50	\$ -
1	27	General Provisions*	18" x 24" Microfilm Copy	\$ 0.50	\$ -
1	27	General Provisions*	Blackline Print of Maps, Surveys and Other Documents Exceeding 11" x 17" (per lin.ft.)	\$ 0.55	\$ -
1	27	General Provisions*	Plotted Maps (per lin.ft.)	\$ 0.65	\$ -
1	27	General Provisions*	Downers Grove Zoning Ordinance	\$ 13.00	\$ -
1	27	General Provisions*	Downers Grove Municipal Code	\$ 90.00	\$ -
1	27	General Provisions*	Supplements to Municipal Code (per year)	\$ 16.00	\$ -
1	27	General Provisions*	Blue-line Print of Maps, Surveys and Similar Documents	Actual Cost (AC)	AC
1	27	General Provisions*	Photographs or Video Tapes	AC	AC
1	27	General Provisions*	Use of Copy Service for Requested Records	AC	AC
1	27	General Provisions*	Zoning map (24 x 36) black and white	\$ 1.00	\$ -
1	27	General Provisions*	Zoning map (24 x 36) color	\$ 10.00	\$ -
1	27	General Provisions*	Street map (24 x 36)	\$ 10.00	\$ -
1	27	General Provisions*	Land use map (24 x 36)	\$ 10.00	\$ -
1	27	General Provisions*	Digital orthophoto map (36 x 36)	\$ 15.00	\$ -
1	27	General Provisions*	Contour map	\$ 15.00	\$ -
1	27	General Provisions*	Miscellaneous maps (11 x 17)	\$ 5.00	\$ -
1	27	General Provisions*	Customized sized map	\$20-\$25	AC
2	33.1	Administration	Insufficient Funds	\$ 26.50	\$ 26.50
8	3	Business and Activity License and Regulations	Denied Application Processing Charge	\$50.00 or 50% Whichever is less	\$50.00 or 50% Whichever is less
8	12	Business and Activity License and Regulations	Readings in the Art of Divination in Street and Public Ways	\$500/year or \$50/day	\$500/year or \$50/day
8	13	Business and Activity License and Regulations	Fingerprint Fee	\$20.00	\$ 40.00
8	31.04	Business and Activity License and Regulations	Denial Application	\$ 100.00	\$ 100.00
8	31.04	Business and Activity License and Regulations	Fingerprint Fee	\$20.00	\$ 40.00
8	31.07	Business and Activity License and Regulations	Pre-Adolescent Entertainment Facility License (per year)	\$ 1,925.00	\$ 1,925.00
8	31.07	Business and Activity License and Regulations	Adolescent Entertainment Facility License (per year)	\$ 1,925.00	\$ 1,925.00
8	31.07	Business and Activity License and Regulations	Adult Entertainment Facility License (per year)	\$ 1,925.00	\$ 1,925.00
8	31.07	Business and Activity License and Regulations	Mixed Entertainment Facility License	\$ 1,925.00	\$ 1,925.00
8	31.07	Business and Activity License and Regulations	Fingerprint Fee	\$20.00	\$ 40.00

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8	31.07	Business and Activity License and Regulations	Request For a Variance	\$ 100.00	\$ 100.00
8	38	Business and Activity License and Regulations	Electrical Contractor License (per year)	\$ 75.00	\$ 100.00
8	38	Business and Activity License and Regulations	Electrical Contractor License Late Fee	\$ 75.00	\$ 100.00
8	39	Business and Activity License and Regulations	Electrical Contractor Written Test	\$ 75.00	\$ 75.00
8	50	Business and Activity License and Regulations	Business Providing Twenty or Less Amusement Devices (per year)	\$ 600.00	\$ 600.00
8	50	Business and Activity License and Regulations	Business Providing Twenty To Twenty-Nine Amusement Devices (per year)	\$ 800.00	\$ 800.00
8	50	Business and Activity License and Regulations	Business Providing Thirty to Thirty-Nine Amusement Devices (per year)	\$ 1,000.00	\$ 1,000.00
8	50	Business and Activity License and Regulations	Business Providing Forty or More Amusement Devices	\$ 1,200.00	\$ 1,200.00
8	54	Business and Activity License and Regulations	Movie Arcade License (per year)	\$ 50.00	\$ 50.00
8	58	Business and Activity License and Regulations	a. Class "A"	\$ 300.00	\$ 3,000.00
8	58	Business and Activity License and Regulations	b. Class "B"	\$ 300.00	\$ 500.00
8	61	Business and Activity License and Regulations	Late Filing of Scavenger License Fee	\$ 300.00	\$ 500.00
8	61	Business and Activity License and Regulations	Late Renewal Filing of Scavenger License Fee	\$ 75.00	\$ 150.00
8	70	Business and Activity License and Regulations	Going Out-Of-Business/Removal Sale License Application Fee	\$ 25.00	\$ 25.00
8	73	Business and Activity License and Regulations	Tree Removal License (per year)	\$ 40.00	\$ 75.00
8	1904	Business and Activity License and Regulations	Adult Establishment License Processing Fee	\$250 plus a \$5000 letter of credit	\$250 plus a \$5000 letter of credit
8	2007	Business and Activity License and Regulations	Massage Establishment License Processing Fee	\$ 250.00	\$ 250.00
8	2007	Business and Activity License and Regulations	License and Renewal Fee	\$ 100.00	\$ 100.00
8	2007	Business and Activity License and Regulations	Fingerprint Fee	\$20.00	\$ 40.00
14	108	Motor Vehicles and Traffic	Handicap Parking Permit Placard	\$ 2.00	\$ 2.00
14	109	Motor Vehicles and Traffic	Village Debit Card for Parking	\$ 3.00	\$ 8.00
14	11.2	Motor Vehicles and Traffic	Cash Key	\$ 25.00	\$ 25.00
14	97.4	Motor Vehicles and Traffic	Replacement Handicap Parking Permit Placard	\$ 2.00	\$ 2.00
15	36	Offenses - Miscellaneous	Solicitation Permit	\$25.00	\$ 50.00
22	15	Taxis and Other Vehicles for Hire	Fingerprint Fee - Issuance of Cab Company License	\$20.00	\$ 40.00
22	15	Taxis and Other Vehicles for Hire	Cab Company License Fee	\$ 200.00	\$ 200.00
22	15	Taxis and Other Vehicles for Hire	Cab Company Late Filing Fee	\$ 50.00	\$ 50.00
22	19	Taxis and Other Vehicles for Hire	Taxi Driver's License Fee	\$ 50.00	\$ 50.00

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22	19	Taxis and Other Vehicles for Hire	Taxicab Driver's License Issuance Fingerprint Fee	\$ 20.00	\$ 40.00
Council Policy		Granting of Licenses for Certain Encroachments of Property Over Which the Village Holds an Easement	Staff Processing for an Easement Request and Recordation Costs	\$ 50.00	\$ 60.00
Admin Reg		Temp Use Permits	Fingerprint Fee	\$20	\$ 40.00
New Fee			Color Copies	\$ -	\$0.10 per Page
New Fee			Recycling Bin Sales	\$10 charge, not currently codified	\$ 10.00
New Fee**			Administrative Fee for Referral of Charges to a Collection Agency	\$ -	\$ 25.00

* Proposed fees for document reproduction are mandated by Freedom of Information Act (FOIA) Legislation

**\$25 admin fee is currently collected by the Police Department. Proposed fee would expand this fee to all charges referred to collection agency