

**VILLAGE BOARD
COMMITTEE OF THE WHOLE MEETING**

**MARCH 10, 2014
IMMEDIATELY FOLLOWING THE VILLAGE BOARD MEETING
(APPROXIMATELY 7:00 PM)**

**LEMONT VILLAGE HALL
418 MAIN ST.
LEMONT, IL 60439**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. UNFINISHED BUSINESS**
- IV. DISCUSSION ITEMS**
 - A. 410 MAIN STREET DISCUSSION
(PLANNING &ED)(STAPLETON)(JONES/GLAS)**
 - B. LEMONT 2030 - COMPREHENSIVE PLAN UPDATE – HOUSING & ECONOMIC
PROSPERITY ELEMENT SECTIONS
(PLANNING &ED)(STAPLETON)(JONES)**
 - C. TITLE V UPDATE DISCUSSION
(ADMINISTRATION)(REAVES)(SCHAFER)**
- V. NEW BUSINESS**
- VI. AUDIENCE PARTICIPATION**
- VII. MOTION TO ENTER EXECUTIVE SESSION**
- VIII. ADJOURN**



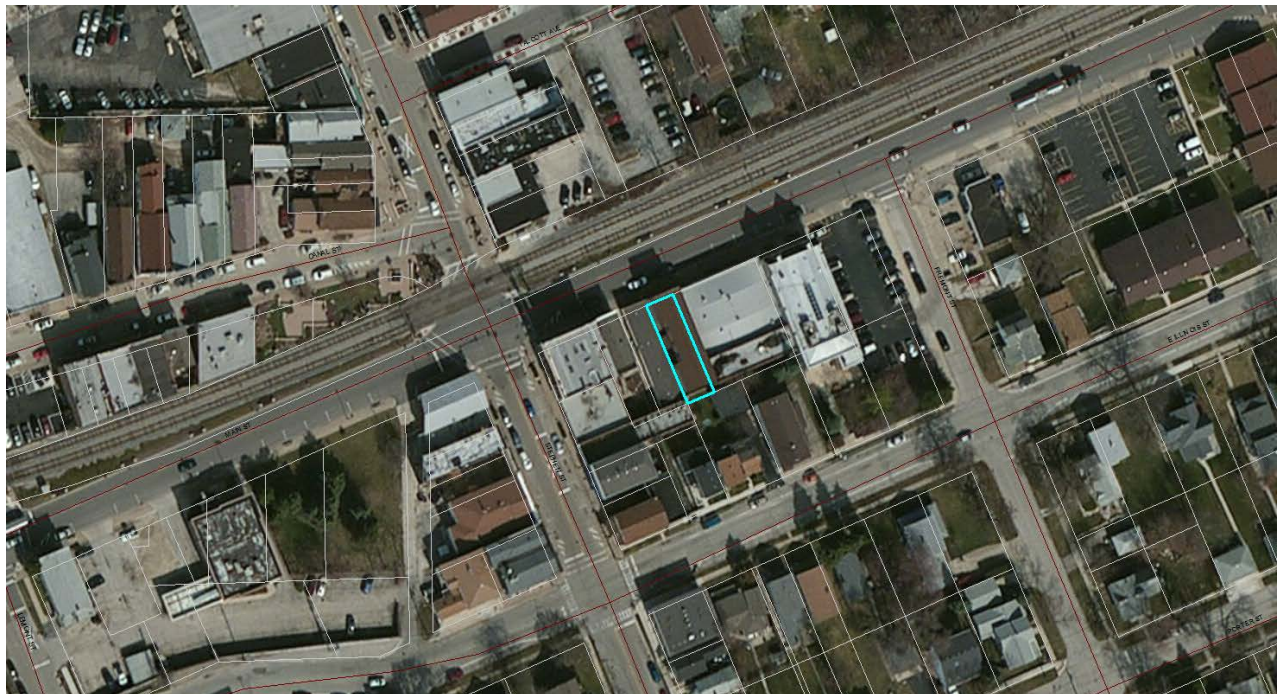
Village of Lemont
Planning & Economic Development Department

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

TO: Committee of the Whole
FROM: Martha M. Glas, Village Planner
THRU: Charity Jones, AICP, Planning & Economic Development Director
SUBJECT: Case 14-01 410 Main St. Variation
DATE: March 5, 2014

SUMMARY

John Savarino, the owner of 410 Main St., is seeking a variation from the Unified Development Ordinance to allow for a residential unit on the first floor for a property subject to the Main St. street type standards in the DD district. This street type reflects the character of the historic central business district has buildings with mixed use and is intended to preserve and enhance the historic character of the downtown. The property was constructed in 1992 and has 3 stories. The 2nd and 3rd floors each contain 2 residential units. The first floor has one currently occupied commercial unit at the front of the building facing Main St. and a rear unoccupied unit. The rear unit has separate utilities. Staff and PZC recommended approval.



PROPOSAL INFORMATION

Case No. 14-01
Project Name 410 Main St. Variation

General Information

Applicant	John Savarino
Owners	John A. and Sandra L. Savarino
Status of Applicant	Owner
Requested Actions:	Variation to allow a residential unit on the first floor of a property located on the Main St. street type in the Downtown District.
Site Location	410 Main St. (PIN 22-20-420-005-0000)
Existing Zoning	DD Downtown District
Size	2,275 lot size; 730 sq. ft. rear unit size
Existing Land Use	Mixed use
Surrounding Land Use/Zoning	DD Downtown District
Comprehensive Plan 2002	The Comprehensive Plan calls for this site to be Downtown B-2 Mixed Use.
Zoning History	N/A

Special Information

Public Utilities	The site is serviced by Village water and sewer. There are 6 units in the building. The owner receives one water bill and is charged for 6 units.
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BACKGROUND

Development in the DD is regulated by street type. There is an established street type hierarchy that is identified in Figure 17-09-01 of the Unified Development Ordinance; Main St. is the top of the hierarchy. Tables 17-09-02 through 17-09-07 define standards for the buildings located along the various street types.

The subject property is located on the Main St. street type. That street type has mixed use buildings and is intended to preserve and enhance the historic character of the downtown. The property is mixed use with commercial on the first floor and residential on the 2nd and 3rd floors. The 1st floor has a front unit that is approximately 930 sq. ft. and rear unit with separate utilities that is approximately 730 sq. ft. A 115 sq. ft. laundry room is also located on the first floor. There are 2 doors on the front of the building that provide access to the units from Main St. The eastern door provides access to the existing commercial unit. The western door provides access to the residential units, laundry room and the rear unit. It is secured with a pass code entry system. The front commercial unit also has an interior door that exits to the hallway on the western side of the building. See Exhibit A for a floor plan submitted by the applicant.

The applicant has stated that the rear unit has historically been used for storage. Commercial use in the rear unit is not ideal because it lacks visibility from Main Street. The shared access with residential units is also a concern because that would allow the public to access an area that serves current residents and their laundry facilities.

CASE HISTORY

PZC Public Hearing. The Planning & Zoning Commission conducted a public hearing on the requested variation at its February 19, 2014 meeting. Three neighbors were present for the case but did not provide any public testimony. Staff recommended approval of the variation as all 3 standards for evaluating variation requests were met. PZC voted 5-0 to recommend approval of the variation.

STANDARDS FOR VARIATIONS

UDO Section 17.04.150.D states that variation requests must be consistent with the following three standards to be approved:

1. The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

Analysis. The general purpose of the UDO is specified in UDO Section 17.01.050. Of the eight components listed, three are not applicable to the variation request. The variation request to allow a residential unit on the first floor is consistent with the remaining five components.

- **Promoting and protecting the general health, safety and welfare.** The variation request will not injure the health, safety and general welfare of the public. The building does have sprinklers and secure access to the rear unit is available.
- **Ensuring adequate natural light, air, privacy, and access to property.** The variation will have no impact on light and air to the property. Allowing a residential use, as opposed to a commercial use in the rear unit, would have a positive impact on privacy. Existing residential tenants currently utilize laundry facilities on the first floor. If the rear unit was used for commercial uses and was open to the public, privacy for residential tenants would be diminished. Likewise, public access through an area that is utilized for a residential use, such as the laundry room located on the first floor, would compromise the existing accessibility.
- **Protecting the character of established residential neighborhoods.** The subject site is in mixed use area where commercial and residential uses are expected. The residential use would be in the rear of the property and would not affect the character of the district because the front commercial space currently provides the walkable retail district that is sought along Main St.
- **Maintaining and promoting economically vibrant and attractive commercial areas.** The subject site is mixed use and located in a mixed use district. Allowing an additional residential unit will add a needed housing product in the community. The applicant is proposing a 1-bedroom unit. The current housing stock in Lemont consists of 8.2% 0-1

bedroom units compared to 16% available regionally.¹ Increased density and housing choices in the downtown district add economic vitality to the area. The existing commercial space in the front of the building provides the commercial use desired of sites along Main St. It is currently leased and is a viable commercial space. The rear unit, as a commercial space, brings little value to the street type because it lacks exposure and has inadequate access for public use in its current configuration.

- **Conserving the value of land and buildings throughout the Village.** Investments that allow a building to be fully utilized add value to the building and generally conserve value throughout the Village.
2. The plight of the owner is due to unique circumstances, and thus strict enforcement of the Unified Development Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unique conditions that are not generally found on other properties in the same zoning district;

Analysis. The UDO states that in making a determination whether there are unique circumstances, practical difficulties, or particular hardships in a variation petition, the Planning and Zoning Commission shall take into consideration the factors listed in UDO §17.04.150.D.2.

- a. *Particular physical surroundings, shape or topographical conditions results in a particular hardship upon the owner as distinguished from a mere inconvenience.* The subject property is a 3 story mixed use building with commercial on the 1st floor and residential on the 2nd and 3rd floors. As noted, the building has two front entrances from Main St. The eastern entrance provides street access to the front commercial space. The western entrance provides street access to the residential units, laundry room and the rear unit. The unit has separate utilities but has been used by previous owners only as storage space. The current configuration and lack of exposure on Main St. makes the rear unit impractical for commercial use and storage space use is not economical and causes a hardship to the owner.
- b. *The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district.* The conditions upon which this petition is based would not generally be applicable to other properties in the DD district. The floor plan, composition and points of access are unique to this property and are the factors that make it difficult to use the entire first floor for commercial use.
- c. *The alleged difficulty or hardship has not been created by any person presently having an interest in the property.* The owner purchased the property in its current configuration and did not cause the hardship.
- d. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the*

¹ Lemont Community Data Snapshot, Chicago Metropolitan Agency for Planning, 2011 ACS Data

subject project is located. The variation would not be detrimental to the public welfare or injurious to other property in the neighborhood.

- e. *The variation will not impair an adequate supply of light and air to adjacent properties or substantially increase congestion in the public street or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.* The residential unit would be provided access to the unit with a security code entrance from Main St. The variation would increase housing supply by one 1-bedroom unit. Although parking demand will increase with the additional unit, it will not substantially increase congestion in the area. Downtown parking regulations encourage a balance between compact pedestrian-oriented development and vehicle use. Off-street parking is available in public parking lots and the parking structure. Daytime parking in public parking lots is limited to 4 hours.

The building has fire sprinklers installed and an additional residential unit would not increase the danger of fire or endanger public safety. Fire District staff did complete a visual inspection of the site and stated no objections to the proposed residential occupancy provided that the fire protection systems within the space were maintained. With the remodeling permit some systems will have to be modified and additional life safety enhancements will be required.

3. The variation will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

Analysis. The character of the area is historical and mixed use with commercial on the first floor. The residential unit will be located in the rear of the property and will not alter the essential character of the district or take away from the street features important to this district.

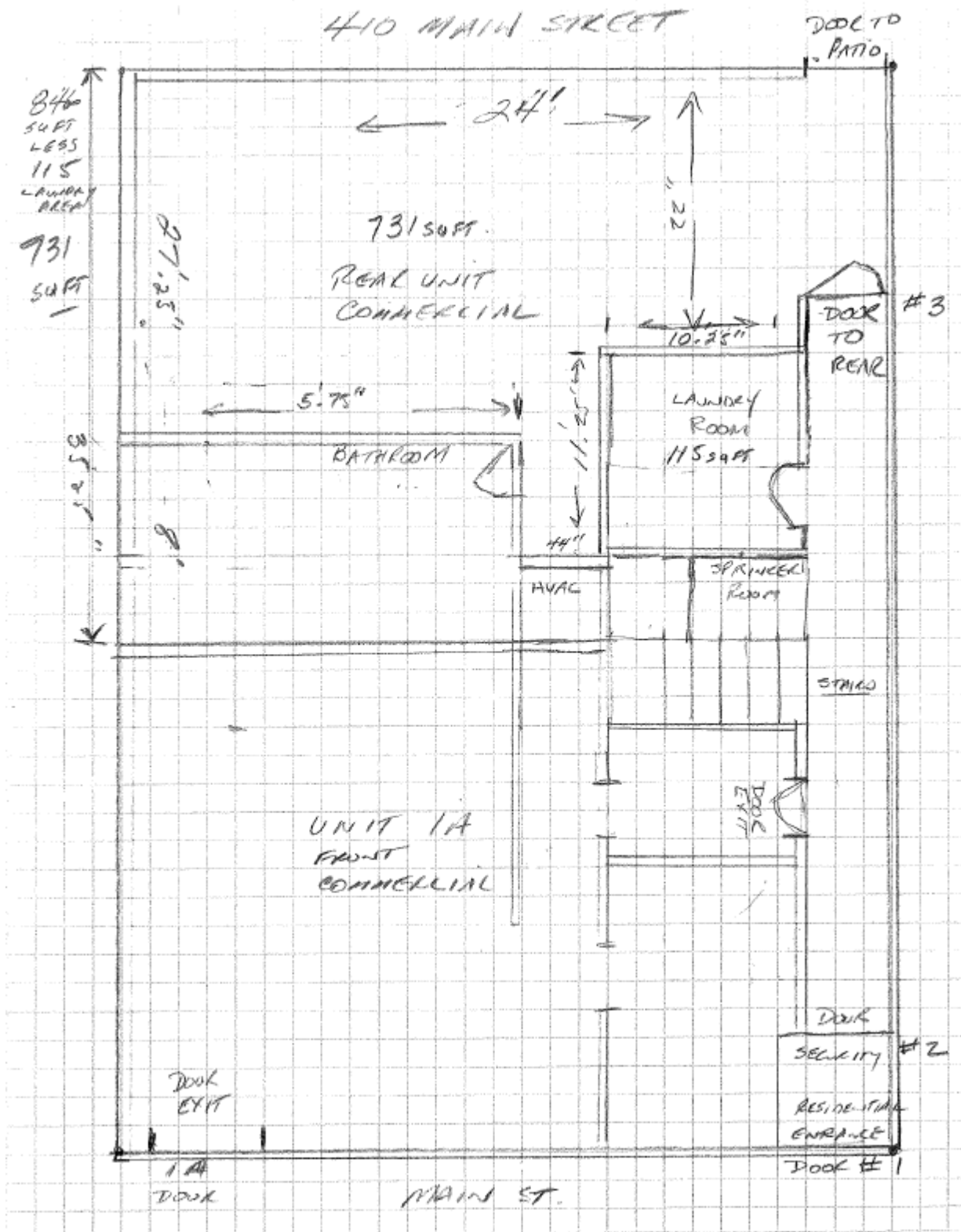
RECOMMENDATIONS

Staff recommends approval of the variation request. The UDO requires that the applicant demonstrate consistency with all three of the variation standards contained within §17.04.150.D. and staff finds that they were substantially met. PZC recommended approval of the variation request. In providing final approval, the variation should be limited to specify that the residential use is permitted in the rear unit only.

ATTACHMENTS

1. Exhibit A – floor plan sketch
2. Site Photos
3. 02-19-14 PZC draft minutes
4. Applicant Submissions

EXHIBIT A



North

SITE PHOTOS



Front of subject property looking south

Western hallway looking towards Main St.
from the rear unit



Rear patio area accessible from the rear unit



Village of Lemont
Planning and Zoning Commission
Regular Meeting of February 19, 2014

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, February 19, 2014 in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Commissioner Sanderson called the meeting to order at 6:34 p.m. He then led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Kwasneski, Maher, McGleam, Messer, Sanderson

Absent: Sullivan and Spinelli

Planner Martha Glas was also present.

C. Approval of Minutes: January 15, 2014 Meeting

Commissioner McGleam made a motion, seconded by Commissioner Messer to approve the minutes from the January 15, 2014 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

Commissioner Sanderson stated he will be filling in as Chairman tonight for Chairman Spinelli.

III. PUBLIC HEARINGS

A. Case 14-01 – 410 Main St. Variation

A public hearing for variation to allow a residential unit on the first floor of a property located on the Main Street street type in the Downtown District.

Commissioner Sanderson called for a motion to open the public hearing.

Commissioner Kwasneski made a motion, seconded by Commissioner McGleam to open the public hearing for Case 14-01. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Sanderson then asked for the audience to stand and raise his/her right hand. He then administered the oath.

Mrs. Glas said the case before them is a variation request to allow a residential unit on the first floor of a property that is subject to the Main Street street type standards in the Downtown District. She stated she was going to show on the overhead what is in the Unified Development Ordinance in terms of a regulating plan for the downtown district. It is done by street types which is different than the rest of the Village. The property is located on the Main Street street type, which is the central business district. She said anything happening on those properties have specific regulations. The first being that you want to maintain the historic character of the area. She stated being a central business district commercial area you want it to flow in terms of the commercial uses. So if there was a residence on the first floor it is something that is not supported in this district.

Mrs. Glas stated the variance request to allow for a residential use on this property is unique. There are two commercial units on the first floor. The front commercial unit that faces Main Street is currently occupied. There is a second commercial unit that is in the rear that hasn't been used commercially, but has been used just for storage. She said the front unit is about 930 square feet and the rear unit is about 730 square feet. Laundry facilities are also on the first floor. The request is unique in that it is not a residential unit that would face Main Street and would not away the commercial feel.

Mrs. Glas said there is an east and west entrance on the building. The east entrance provides access to the commercial unit in the front. The west entrance provides access to the laundry facility, the stairs for the residential units on the second and third floor, and also the rear unit. She stated there are separate utilities for both units and this door is a security entrance for the residences. Since this is a unique configuration and the conditions are existing, staff is recommending approval of the variation.

Commissioner Maher asked what used to be in the back.

Mrs. Glas stated at one time a State Senator had the front office and they just used the back for storage. She said they do not have any record of it being used as a commercial use.

Commissioner Maher asked if it was going to require a build out.

Mrs. Glas said it is somewhat already built out and the only addition would be to add a shower and kitchenette.

Commissioner Messer stated the staff report talked about the parking. He asked where the current residents are parking.

Mrs. Glas said she is not sure where those particular tenants are parking. She showed on the overhead areas that are public parking in the downtown. Residents are able to park there over night, but during the day it is limited to four hour parking.

Commissioner Sanderson asked if any other Commissioners had questions for staff. None responded. He then asked if the applicant wanted to speak.

John Savarino stated he is the owner of 410 Main Street which is attached to the Village Hall. He said the issue that he has is there is no accessibility unless you go through the residential. There are two security doors that you have to go through and once you are past those you have access to the residences. He stated it will jeopardize the safety and security of the tenants to allow commercial there. The way it is constructed they should have made it a whole unit from front to rear but it is actually divided.

Commissioner Maher asked if there is no other access point between the two units besides the hallway.

Mr. Savarino said that is correct. There are separate utilities and doors.

Commissioner Sanderson asked what the variation would be.

Mrs. Glas stated it would be to allow residential on the first floor of the commercial building. She said it is not specified in the UDO whether it is the front or rear of the building, but in this case it would be limited to the rear.

Mr. Savarino said from the front of the building you would never know that there was commercial space back there.

Commissioner Sanderson stated if this was a new building they would like the whole first floor to be commercial versus residential on the first floor in the Downtown area.

Mr. Savarino said the building is only 12 or 13 years old. There was a fire in the original building and it burned down. This is the new building they constructed which has a sprinkler system. He stated when they divided it that is the way they constructed the building.

Mrs. Glas stated if someone came in requesting to do this, then that would be a different case but this already exists and the units are separated.

Commissioner Sanderson said his problem is if someone has an existing building, they put up a wall, and state now that it is an existing condition.

Mrs. Glas stated this one has utilities for two spaces. It was developed with two utilities. Someone just putting up a dividing wall would not be able to convert it to two uses.

Mr. Savarino said the entrance is the problem because you have to go through two security doors. The doors are coded doors so you would not be able to have customers go through them to get to the business.

Commissioner Maher asked if there was a bathroom in the front unit.

Mr. Savarino stated there was and showed on the diagram where it was located.

Commissioner McGleam asked if there was existing storage space for the commercial tenant on the first floor.

Mr. Savarino said there are two small offices and a small storage room. He stated the space is leased currently. He stated every time he tried to lease both spaces as commercial he would get shot down once they saw the security doors.

Commissioner McGleam asked if any future lease opportunities would be restricted to the current size of that commercial space. He said by converting the back you will never be able to increase the size of the commercial space.

Mr. Savarino stated unless someone wanted to live in the back and lease the front.

Commissioner Messer asked if he knew where the current tenants were parking.

Mr. Savarino said it is his understanding that there is an issue with the parking especially with all the snow. The tenants are allowed to park for only four hours in the main parking lot right here at Village Hall. He stated the tenants have been told to park in the lot across the street from the post office. He asked what the parking is across the street from the Village Hall.

Mrs. Glas stated that is public parking also which has the four hour limit during the day but they can park over night.

Mr. Savarino said they could use some additional parking.

Commissioner Kwasneski asked if he had received any complaints about this.

Mr. Savarino stated no because you can't even tell that there is a unit back there.

Commissioner Sanderson asked if anyone in the audience wanted to come up and speak. None responded. He then called for a motion to close the public hearing.

Commissioner Messer made a motion, seconded by Commissioner McGleam to close the public hearing for Case 14-01. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Commissioner Sanderson then called for a recommendation to the Mayor and Village Board.

Commissioner Maher made a motion, seconded by Commissioner Kwasneski to recommend to the Mayor and Village Board approval for a variation to allow a residential unit on the first floor of a property located on the Main Street street type in the Downtown District. A roll call vote was taken:

Ayes: McGleam, Kwasneski, Maher, Messer, Sanderson

Nays: None

Motion passed

Commissioner Messer made a motion, seconded by Commissioner Maher to authorize the Chairman to approve the Findings of Fact for Case 14-01 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. ACTION ITEMS

Mr. Savarino stated they were in the process of working on a small restaurant on the corner of Main Street. He said they were actually concerned about parking. He asked if there was anything on the agenda for the Village to purchase additional parcels for parking.

Commissioner Sanderson said there is public parking by The Lofts.

Mrs. Glas stated there is nothing besides the public parking that currently exists and the Village is not looking to purchase any property for additional parking.

Mr. Savarino said he was just asking because there has been mention of the 2030 plan.

Mrs. Glas stated the UDO currently has a whole section on what the Village envisions the Downtown to be developed like. She said she can send the link to him and that would give him an idea of what the vision is for the downtown. In terms of the future land use map it is not specific for the downtown but rather looks at Lemont and a mile and half beyond Lemont. Mrs. Glas stated there are sub plans that have been developed in the past couple of years that the Village uses as a guide for development. So that would be a starting point to see what the direction was for the Downtown area.

Variation Application Form

APPLICANT INFORMATION

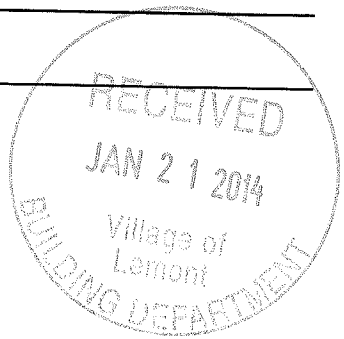
Applicant Name JOHN A. SAVARINO

Company/Organization 53 LOWLY COVE DR. LEMONT, IL 60439

Applicant Address (708) 533-1111-

Telephone & Fax MRGI0BATT@YAHOO.COM

E-mail



CHECK ONE OF THE FOLLOWING:

- Applicant is the owner of the subject property and is the signer of this application.
- Applicant is the contract purchaser of the subject property.
- Applicant is acting on behalf of the beneficiary of a trust.
- Applicant is acting on behalf of the owner.

PROPERTY INFORMATION

Address of Subject Property/Properties 410 MAIN ST, LEMONT, IL 60439

Parcel Identification Number of Subject Property/Properties 22-20-420-005-0000

Size of Subject Property/Properties 3 STORY BUILDING WITH COMMERCIAL FRONT, REAR 5325 SQFT.

DESCRIPTION OF REQUEST

CONVERT 1ST FLOOR REAR UNIT TO 1BR RESIDENTIAL

Brief description of the proposed variation

DUE TO THE INABILITY TO UTILIZE AS COMMERCIAL. BECAUSE OF THE SAFETY AND SECURITY OF TENANTS WOULD BE JEOPARDISED.

REQUIRED DOCUMENTS

See Form 500-A, Variation Application Checklist of Required Materials, for items that must accompany this application.

FOR OFFICE USE ONLY

Application received on: 1/21

By: MMG

Application deemed complete on: 1/29

By: MMG

Current Zoning: DD

Fee Amount Enclosed: 250⁰⁰

Escrow Amount Enclosed: 500⁰⁰

Variation Application Form

Village of Lemont

APPLICATION FEE & ESCROW

Application Fee = \$250 (per zoning lot)

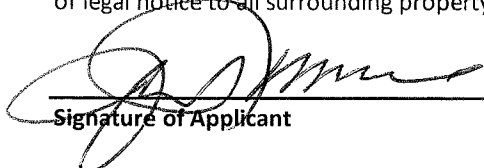
Fee is non-refundable. A zoning lot is defined as "a single tract of land located within a single block that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon, under single ownership or control" (Unified Development Ordinance Chapter 17.02).

Required Escrow = \$500

At the time of application, the applicant shall submit a check for the establishment of an escrow account. The escrow money shall be used to defray costs of public notice, consultants, or other direct costs incurred by the Village in association with the variation application. Additionally, should the applicant fail to remove the required public notice sign in a timely manner, the escrow account may be used to defray the costs of the sign's removal. After completion of the variation review process, any unused portion of the escrow account will be refunded upon request.

AFFIRMATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit Village representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I am required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the Village to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request. I understand that I am responsible for the posting of a public hearing sign and for the mailing of legal notice to all surrounding property owners as required by Village ordinances and state law.



Signature of Applicant

1-17-2014

Date

State

County

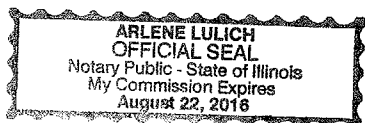
I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that JOHN SAVARINO is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.



Notary Signature

Given under my hand and notary seal this 17 day of January A.D. 20 14.

My commission expires this _____ day of _____ A.D. 20 _____.



Variation Criteria Worksheet

Unified Development Ordinance (UDO) Section 17.04.150.D.1 establishes the criteria that all applications for variations must meet. In addition, Section 17.04.150.D.2 of the Unified Development Ordinance requires that the Planning & Zoning Commission or Zoning Hearing Officer take the following conditions into consideration when determining whether a request qualifies for a variation. You may want to consider the following in your variation request:

- The particular physical surroundings, shape, or topographical condition of the specific property involved results in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations of the Unified Development Ordinance were fulfilled;
- The conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification;
- The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located; and
- The variation will not impair an adequate supply of light and air to adjacent properties, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Please describe below how your variation request meets the criteria of UDO Section 17.04.150.D.1. Attach additional sheets if necessary.

UDO Section 17.04.150.D.1.a

The variation is in harmony with the general purpose and intent of the Unified Development Ordinance;

SEE COVER LETTER FOR VARIATION.

_____ **Address List.** A list of all addresses to which the applicant sent the written notice of public hearing shall be submitted to the Planning & Economic Development Department at the time the written notice is sent to the surrounding property owners. More explanation regarding public notice requirements is contained in the attached *Variation Public Notice Requirements* document.

John A. Savarino 53 Long Cove Dr. Lemont Il 60439

Village of Lemont
418 Main St.
Lemont, IL 60439

Jan 20, 2014

Re: 410 Main St. Lemont IL 60439

Pin #22-20-420-005-0000

Legal Description:

The West ½ of Lot 4 Block 2 in Truesdell's Addition to Athens, in Section 20, Township 37 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

3 Story 5325 Sq Ft Brick Apartment Building with 4 residential apartments and 2 commercial units on the first floor of building built in 1992 with a sprinkler system.

To the board of the Planning and Economic Development of Lemont:

Dear Board:

As a property owner and resident of Lemont, I am requesting a variation for my property located at 410 Main St. from a commercial to a residential apartment. The building has a front commercial unit with a designated entrance from Main St. and a rear commercial unit with an entrance only accessible through the residential side. The rear commercial unit as constructed makes it difficult and unpractical for commercial utilization. First the rear unit has no visual exposure from Main St. for any type of merchandise pickup, delivery or customer services. Secondly any commercial tenant and customers that were to occupy this unit would have to gain entry via a pass coded security door on the residential entry side in order to gain access to this rear unit. Upon doing so anyone entering would have access to the residential common areas, laundry facility and stairway to the upstairs apartments. Allowing strangers to have access to the residential side of the building also jeopardizing the safety and security of all the tenants.

John A. Savarino 53 Long Cove Dr. Lemont Il 60439

Therefore the only viable solution to utilize this space effectively and efficiently would be to convert it to a one bedroom apartment. Doing so would keep the rear unit within the scope of economic feasibility and retain the respect for the safety and security of tenants in the building. The conversion would entail adding a tub to the existing bathroom and installing a small kitchen area.

From my review of the Unified Development Ordinance (UDO) this request meets all of the following conditions for variation.

1. The physical surroundings of the property does not allow it to be used as constructed therefore it remains vacant.
2. The conditions upon which the petition for variation is based would not be applicable to other property within the same zoning classification.
3. The alleged difficulty for use was not created by me. I purchased the property as constructed.
4. The granting of this variation will not be detrimental to the public welfare or injurious to other property improvements in the neighborhood.
5. The variation will not impair any light or air to the adjacent properties. It will not increase congestion in the public streets or increase the danger of fire or endanger the public safety, or substantially diminish or impair any property values within the neighborhood.

Your cooperation in granting this variation would be greatly appreciated.

Sincerely Yours



John A. Savarino

(708)533-1111

mrgiobatt@yahoo.com



Doc#: 1317035084 Fee: \$40.00
 THSP Fee: \$9.00 RPRF Fee: \$1.00
 Karen A. Yarbrough
 Cook County Recorder of Deeds
 Date: 06/19/2013 02:49 PM Pg: 1 of 2



First American Title Insurance Company

**WARRANTY DEED
 ILLINOIS STATUTORY**

First American Title
 Order # 2417998

THE GRANTOR M & M PARTNERS, LLC, a limited liability company, organized and existing under and by virtue of the laws of the State of Illinois, for and in consideration of Ten and 00/100 Dollars, and other good and valuable consideration in hand paid, CONVEY(S) and WARRANTS to John A. Savarino and Sandra L. Savarino, as joint tenants, and not as tenants by the entirety, of 53 Long Cove Drive, Lemont, Illinois 60439, all interest in the following described Real Estate situated in the County of Cook in the State of Illinois, to wit:

The West 1/2 of Lot 4 in Block 2 in Truesdell's Addition to Athens, in Section 20, Township 37 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

Permanent Real Estate Index Number: 22-20-420-005-0000 (Vol. 062)
 Address of Property: 410 Main Street, Lemont, Illinois 60439

SUBJECT TO: public utility easements of record, general real estate taxes not yet due and payable, building lines, easements covenants, conditions and restrictions set forth in the Plat of Subdivision.

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

TO HAVE AND TO HOLD said premises forever.

Dated this 28 day of May, 2013

Jasmine Singh
 Jasmine Singh
 Member, M & M Partners, LLC

REAL ESTATE TRANSFER		06/05/2013
	COOK	\$148.25
	ILLINOIS:	\$296.50
	TOTAL:	\$444.75

22-20-420-005-0000 | 20130501607473 | AH7BF8

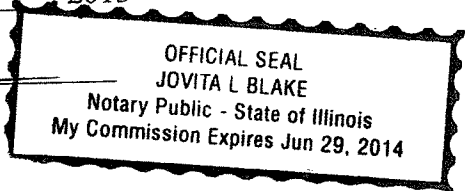
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STATE OF ILLINOIS)
) ss.
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, certify that Jasmine Singh, personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act, in her capacity as a Member of M & M Partners, LLC, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand official seal this
28th day of May 2013

[Signature]
NOTARY PUBLIC



Prepared by:
Hilary E. Wild
THE CHAWLA GROUP, LTD.
15 Spinning Wheel Road
Suite 126
Hinsdale, Illinois 60521
(630) 325-5557

Mail to:
John A. Savarino and Sandra L. Savarino
53 Long Cove Drive
Lemont, IL 60439

*LUCRETIA BOFF
9501 W. 144TH PL.
ORLAND PARK, IL.
60462*

Name and Address of Taxpayer:
John A. Savarino and Sandra L. Savarino
53 Long Cove Drive
Lemont, IL 60439



RUSSELL W. SCHOMIG, PLS.
WILLIAM K. SCHOMIG

• BOUNDARY • TOPOGRAPHICAL • SUBDIVISIONS • ALTA/ACSM • CONDOMINIUMS • SITE PLANS • CONSTRUCTION • FEMA CERTIFICATES •

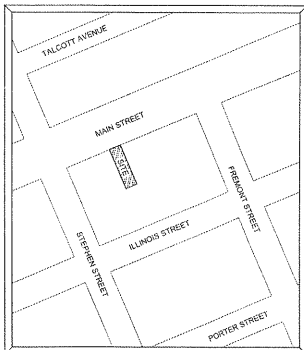
SCHOMIG LAND SURVEYORS, LTD. ALTA/ACSM LAND TITLE SURVEY

THE WEST HALF OF LOT 4 IN BLOCK 2 IN TRUESDILL'S ADDITION TO ATHENS, IN SECTION 20, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.
COMMON ADDRESS: 410 SOUTH MAIN STREET, LEMONT, ILLINOIS.
PH: 708-352-1452 FAX: 708-352-1454

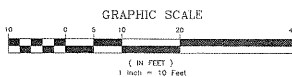
909 EAST 31st STREET
LA GRANGE PARK, ILLINOIS 60526
E-MAIL: SCHOMIG-SURVEYS@GLOBEONLINE.NET
WEB: WWW.LAND-SURVEY-IL.COM
PHONE: 708-352-1452
FAX: 708-352-1454



VICINITY MAP



- LEGEND
- ☐ - FIRE ALARM
 - ☐ - AIR CONDITIIONER
 - ☐ - FIRE SPRINKLER CONNECTION
 - ☐ - GAS LINE
 - ☐ - KEY BOX
 - ☐ - TELEPHONE BOX
 - ☐ - LIGHT POLE
 - M - MEASURED
 - R - RECORDED
 - ⊙ - SANITARY MANHOLE



STATE OF ILLINOIS) ss.
COUNTY OF COOK)

CERTIFIED TO: FIRST AMERICAN TITLE INSURANCE COMPANY,
JOHN A. SAWYER AND SANDRA L. SAWYER.

AREA: 2,288 SQUARE FEET

"THIS IS TO CERTIFY THAT THIS MAP ON PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE MINIMUM STANDARD FETAL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS ON FEBRUARY 23RD, 2011 AND INCLUDES ITEMS 1, 2, 4, 7A, 8, 9, 11A AND 14, OF TABLE A THEREOF."

EASEMENTS AND RESTRICTIONS SHOWN ARE BASED ON: FIRST AMERICAN TITLE INSURANCE COMPANY.

TITLE COMMITMENT NUMBER: 2417908, EFFECTIVE DATE: MARCH 27, 2013.

ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECT MEASUREMENTS AT A TEMPERATURE OF 68 DEGREES FAHRENHEIT. DIMENSIONS SHOWN ON BUILDINGS ARE TO THE OUTSIDE OF BUILDINGS. BUILDING AREA SHOWN IS THE BUILDING FOOTPRINT AREA. ANY UNDERGROUND UTILITY IMPROVEMENTS SHOWN HEREIN ARE BASED ON ABOVE GROUND INSPECTION AND/OR INFORMATION PROVIDED BY RESPECTIVE UTILITY COMPANIES OR MUNICIPALITIES. CONTACT RESPECTIVE UTILITY REPRESENTATIVES AND/OR MUNICIPAL AUTHORITIES TO CONFIRM UTILITY LOCATION AND SIZES PRIOR TO NEW CONSTRUCTION. CONTACT THE APPROPRIATE UTILITY LOCATOR SERVICE PRIOR TO EXCAVATION OR CONSTRUCTION.

OUTSIDE OF CHICAGO CONTACT JULIE AT: 1-888-258-0808 OR IN CHICAGO CONTACT BIGGER AT: 312-744-7000.

THE FIELD WORK WAS COMPLETED ON MAY 28TH, 2013. PLAT DATE MAY 29TH, 2013.

By: *Russell W. Schomig*
RUSSELL W. SCHOMIG, PROFESSIONAL LAND SURVEYOR #033-002448

COMPARE LEGAL DESCRIPTIONS WITH DEED AND REPORT ANY DISCREPANCY IMMEDIATELY. THIS PLAT DOES NOT SHOW BUILDING RESTRICTIONS ESTABLISHED BY LOCAL ORDINANCES. LOCAL AUTHORITIES MUST BE CONSULTED REGARDING ANY RESTRICTIONS. DO NOT SCALE DIMENSIONS FROM THIS PLAT. NO EXTRAPOLATIONS SHOULD BE MADE FROM THE INFORMATION SHOWN WITHOUT WRITTEN PERMISSION OF SCHOMIG LAND SURVEYORS, LTD. THIS PLAT IS NOT TRANSFERABLE. ONLY PRINTS WITH AN EMPLOYED SEAL ARE CRITICAL COPIES. © COPYRIGHT, ALL RIGHTS RESERVED.

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Village of Lemont
Planning & Economic Development Department

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

TO: Committee of the Whole
FROM: Charity Jones, AICP, Planning & Economic Development Director
SUBJECT: Lemont 2030 – Comprehensive Plan Update
DATE: February 5, 2014

SUMMARY

Staff has been working diligently to complete draft chapters (or elements) of the Lemont 2030 Comprehensive Plan. The Planning & Zoning Commission have reviewed the draft elements in various workshop sessions over the last few months, and have provided input that staff has used to further refine the draft elements. Attached are all of the draft elements completed to date: mobility, natural resources & recreation, civic life, housing, and economic prosperity.

The COW has previously reviewed the housing and economic prosperity elements at the May 2013 meeting; however, none of the current department staff was present for that meeting. Therefore, the current draft of the housing and economic prosperity elements are attached so the COW can inform staff if any changes requested by the Committee in May were not addressed. The housing and economic prosperity elements have been substantially edited since May to improve clarity and shorten the length of the elements but no substantial changes have been made to the recommendations of the elements.

Each element begins with a vision statement and guiding principles rooted in the vision survey results gathered in late 2011. Each element then addresses existing conditions and makes recommendations for action; each recommendation is accompanied by a series of implementation action steps to fulfill the recommendation.

ATTACHMENTS

1. Draft Mobility Element
2. Draft Natural Resources & Recreation Element
3. Draft Civic Life Element
4. Draft Housing Element
5. Draft Economic Prosperity Element

HOUSING ELEMENT

VISION

In 2030, Lemont will have cohesive mix of housing products that provides financially obtainable options for various socio-economic groups and that ensures people in all stages of life can call Lemont home.

GUIDING PRINCIPLES

- Continued population growth is desirable and important for Lemont’s economic prosperity.
- The social vibrancy and economic health of the community can be greatly enhanced by a cohesive mix of housing types.
- The creation of housing options—including multi-generational products—is important to maintaining and enhancing family and communal ties, and ensuring that people in all stages of life can call Lemont home.
- Housing products with higher densities will provide the population density needed to fulfill the goals of this plan and are therefore desirable, so long as they do not detract from the aesthetics or small-town charm of the community.
- Lemont is but one municipality in a large region, by providing housing that is financially attainable to a wider range of income levels and ensuring equal access to housing, Lemont helps to support the overall vitality of the larger Chicago region.

INTRODUCTION

The purpose of the housing element of the Comprehensive Plan is to provide a plan for housing creation and preservation in order to meet the needs of the current and future populations. The plan should reflect the community’s vision for itself, and it needs to account for land use patterns and how the Village will grow. Ideally, the plan should address several inter-related issues concerning housing:

Growth management. How much new housing is appropriate, where should it go, and what form should it take? Responses to these concerns are found in this element as well as the chapter on land use.

Preservation of community character. Almost any community’s identity is forged by the type, quality, and maintenance of its housing stock. Lemont is no different. How does the housing stock define Lemont’s character? How should this character be altered or maintained?

Housing diversity. Housing within our community should accommodate individuals and families with a range of incomes, including those who serve the community in relatively lower-paying jobs, and those who have not reached their peak income-producing years of employment. Without proper planning,

younger members of our community may be forced to leave because they cannot find affordable housing.

Fair housing. Fair housing refers to equal access to housing. While seldom addressed in comprehensive plans, the Village nevertheless believes a discussion of fair housing should be included here.

CURRENT CONDITIONS

Recent Housing Trends – Lemont’s Growth in a Regional Perspective

For most of its existence, Lemont was a quiet little town of under 5,000 people. Over the last 30 years Lemont has seen tremendous growth in the number of residents, the number of acres developed, and the number of dwelling units. See Figures 3-1, 3-2 and 3-3.

Figure 3-1 Lemont population, 1920-2010. Source US Census

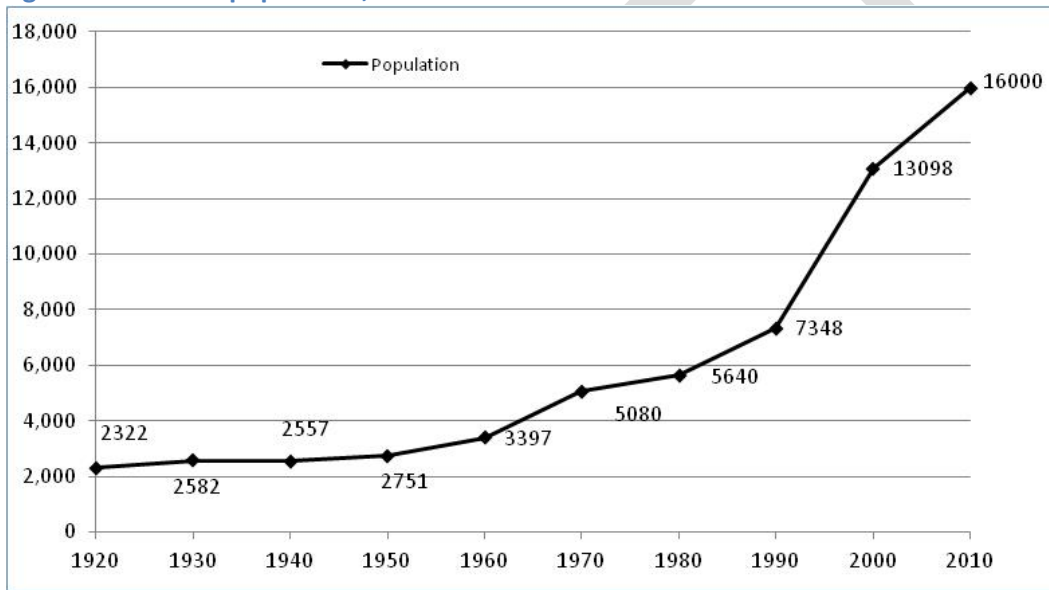


Figure 3-2 Lemont building permits for non-dwelling units, 1998-2012. Source: Village of Lemont Building Department

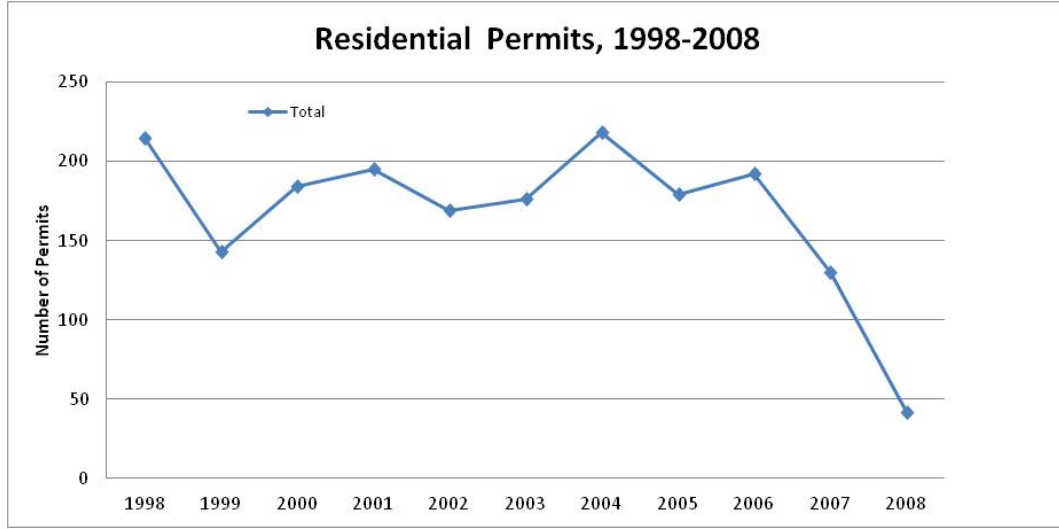
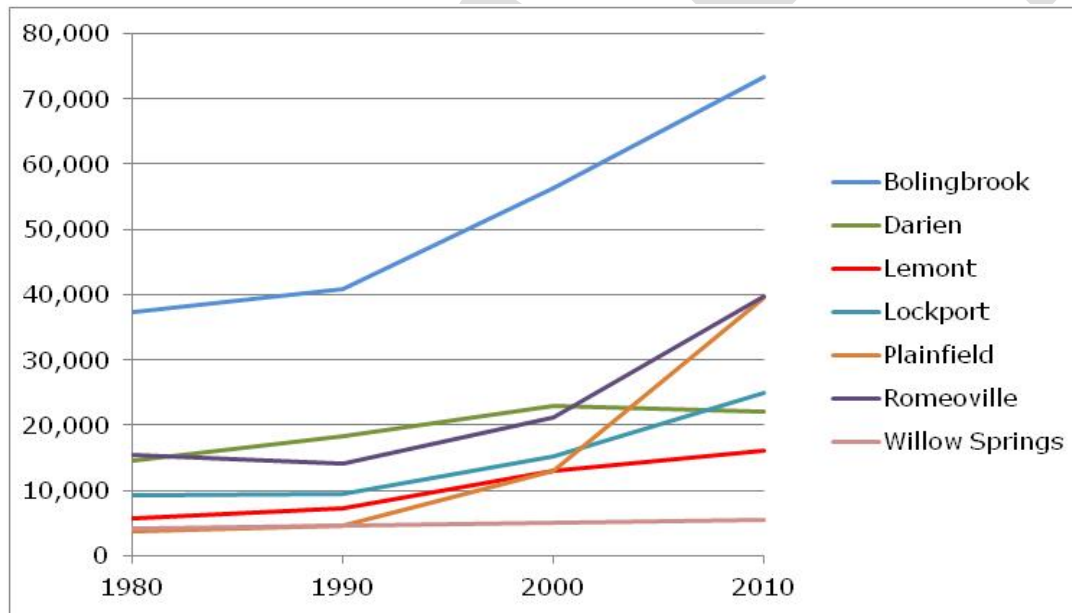


Figure 3-3 Comparison of population growth in Lemont with nearby towns, 1980-2010. Source: US Census



The housing boom in Lemont, while nevertheless impressive, did not match the building frenzy witnessed by nearby communities (see Figure 3-3). Some factors contributing to the more guarded pace of development in Lemont were: a relative shortage of large greenfield sites; the community’s aversion to tract housing and higher density housing; and minimum lot sizes of at least 12,500 square feet.

From 1980 to 2007 the metropolitan Chicago area experienced tremendous population growth and expansion of suburban areas. The population increase and suburban expansion were fueled by: a significant influx of Hispanic immigrants into Chicago and inner ring suburbs and attendant movement of others to outer ring suburbs and the fringes of the Chicago metro area; an ever-increasing motorized transportation network; favorable interest rates and lending policies that made homes attractive to

people who otherwise may not have qualified for a house or for a house at a particular price. The largest share of the region's residential growth occurred in the outlying western and southwestern suburbs. The population of Will County grew almost 35 percent from 2000 to 2010. In that same period the population of Kendall County doubled. Meanwhile, Chicago's population decreased by nearly 7 percent, and Cook County's population fell by 3.4 percent. To a large extent, the increase in suburban population was accommodated by new single-family construction on greenfield sites.

Concern over the dispersed, large-lot development patterns in the region and throughout the nation led to campaigns for Smart Growth, traditional neighborhood design, and transit oriented development. Nationally, the American Planning Association (APA) was a proponent of Smart Growth, which it defined as growth that "supports choice and opportunity by promoting efficient and sustainable land development, incorporates redevelopment patterns that optimize prior infrastructure investments, and consumes less land that is otherwise available for agriculture, open space, natural systems, and rural lifestyles."¹ Regionally, the Metropolitan Planning Council and CMAP championed both Smart Growth and TND. Locally, the 2002 Comprehensive Plan did not specifically advocate SmartGrowth, but it cautioned against a pattern of scattered development and urged the use of conservation design in new residential subdivisions. Yet, the development pattern that has evolved over the last decade and the specific developments approved in that time period did not follow the guidance espoused in the 2002 Comprehensive Plan.

Related to smart growth principles was the planning and construction of high-density housing near public transit, known as transit-oriented development (TOD). TOD often involved public-private partnerships and was hailed as effective public policy. Regionally, transit-oriented development usually manifested itself in mixed-use projects--condo or apartments on top of ground-floor retail--near Metra stations. Lemont undertook a couple of studies and efforts aimed at capitalizing on downtown's location along Metra's Heritage Corridor line: "Opportunities on the Waterfront" in 2002 and "Lemont Station Area Plan" in 2004.² Both plans examined the potential for redevelopment of underutilized downtown properties for residential and commercial use. In 2005, two small, mixed-use projects re-introduced a housing type that had been conspicuously absent from the local housing boom of the 1990s and early 2000s: the multi-family dwelling. Building permits were issued for 10 such dwelling units that year. In late 2004 the Village embarked on a public-private mixed-use transit oriented development effort with Marquette Companies that resulted in the creation of 82 condominium units along the I&M Canal, not far from the Metra station.

Although much of the region's recent growth was concentrated on the exurban fringe, older, smaller homes in established neighborhoods with good transit connections or close to downtown became attractive as sites for new, substantially larger homes. In 2002 the National Trust for Historic Preservation noted that a "disturbing new pattern of demolitions [was] approaching epidemic proportions in many historic neighborhoods across America." While many of these new homes replaced sub-standard housing stock, they were often viewed as being out of character with the surrounding

¹ American Planning Association, "Policy Guide on Smart Growth," originally ratified by Board of Directors, April 15, 2002. Updated Guide adopted by Chapter Delegate Assembly and ratified by Board of Directors, April 14, 2012. The full text of the Guide can be found at: <http://www.planning.org/policy/guides/adopted/smartgrowth.htm>.

² "Opportunities on the Waterfront" was completed with the assistance of Hitchcock Design Group. "Lemont Area Station Plan" was financed in part through a grant from the U.S. Department of Transportation, Federal Transit Administration, and the Regional Transit Authority. URS Corporation partnered with BauerLatoza Studio in completing the study. The document is dated November 5, 2004.

homes. And as noted by the National Trust, many charming and historic homes were being lost to this “teardown” trend. The Village responded to this trend with the creation of the R-4A zoning district which included a formula to restrict size of replacement homes in the Village’s most well established neighborhoods. Although over 60 demolition permits have been issued from 2002-2012 within the R-4A boundaries, general public consensus has been that the regulations strike an acceptable balance between allowing new houses that meet modern demands and still fit in with the character of the established neighborhoods.

Looking Ahead—Regional Housing Issues & Local Impacts

A decade ago there was a major shortage of affordable housing in the region.³ Large tracts of farmland were being consumed for development. Housing was viewed as an excellent investment. Credit was easy, and a home could be purchased with virtually no money down. In the last seven years, however, the regional housing market has changed dramatically. Foreclosures have hit the region hard, with many properties throughout the region still vacant and bank-owned. Regionally, home prices dropped an average of 33 percent from 2007 to 2011, and 25 percent of homes were “underwater,” i.e. the mortgage was more than the resale value of the home.⁴

The regional and local housing markets perked up in 2012, particularly in the outer edges of the region⁵ Over 50 dwelling units were created in Lemont in 2012, and the last half of that year was especially strong. M/I Homes started construction of the Courtyards of Briarcliffe, the first new residential subdivision to begin since 2006. The Village approved zoning entitlements for a new 241 unit single-family subdivision, with construction anticipated to begin in 2014.

Looking ahead, the current inventory of foreclosed and vacant homes will diminish. According to CMAP, population in the six-county Chicago region is projected to increase from eight to ten million by 2035. Both the current senior and Latino populations will double by 2035. The broad demographic shifts in the nation and the Chicago region will also affect Lemont. Up until the 1960s, half of US households had children. Today only one-third of households have children, and the share of households with children is expected to continue its decline, perhaps sinking to one quarter. The greatest housing demand will be generated by households without children, and it is possible that these households will prefer something rather than single-family detached homes on large lots in homogeneous subdivisions. In general, however, Americans still want their castle. According to a 2011 study by the National Association of Realtors (NAR), 80 percent of respondents would prefer to live in a single-family detached home if they had the option.⁶

Nationally, as home preferences meet the new demographic and economic realities, a large unmet demand for housing other than single-family detached residences on large lots is emerging. The housing market, long dominated by baby boomers, will be more affected by the post-baby boom generations and immigrants. And despite that desire for a castle, numerous polls, including a 2004 NAR survey, indicate that people desire neighborhood attributes more akin to mixed-housing and small-lot development: access to transit, ability to walk to school and shops, less yard maintenance.

³ CMAP, “Housing Preservation Strategy Report,” Nov 2008.

⁴ Figures in this section is from *Homes for a Changing Region, Phase 3: Implementing Affordable Housing Plans at the Local Level*, Metropolitan Mayors Caucus, MPC and CMAP, 2012.

⁵ CMAP Housing Policy Update, Trends for the first half of 2012, September 12, 2012

⁶ Nelson, Arthur C., “The New California Dream: How Demographic and Economic Trends May Shape the Housing Market,” 2011, Urban Land Institute, 2011, p.15-26. Despite the title of the report, Nelson is here discussing trends for the entire United States.

Recent mistakes that contributed to the housing market collapse were identified in *Homes for a Changing Region*, produced by the Metropolitan Mayors Caucus, the Metropolitan Planning Council, and the Chicago Metropolitan Planning Agency. The mistakes made throughout the region were:

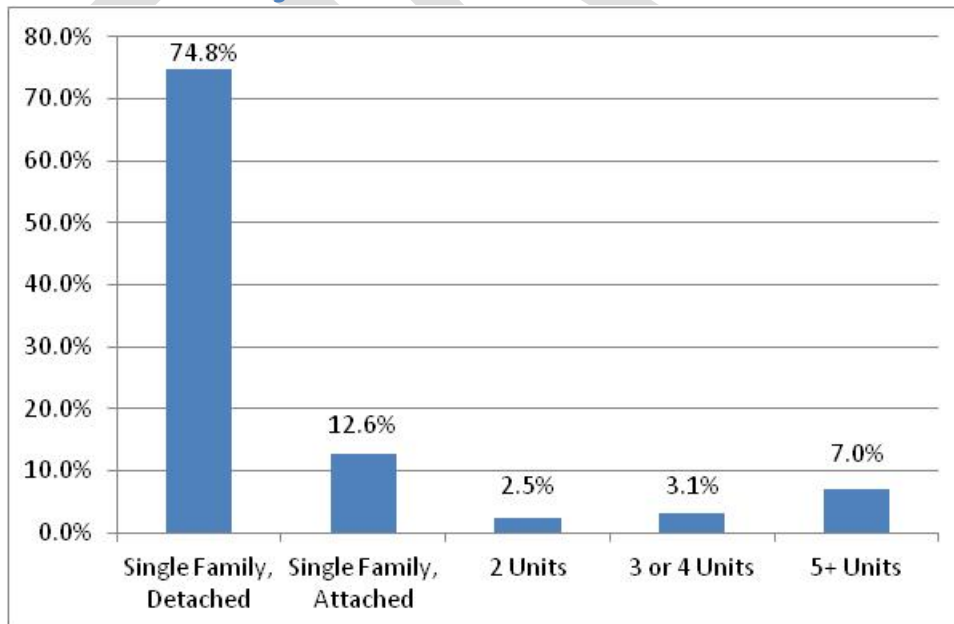
- Building too many large-lot, single-family homes priced beyond the reach of moderate and middle-income families.
- Building too few moderately-priced dwelling units, whether small-sized detached homes or attached homes.
- Not creating housing options for multi-generational families that want to live together.
- Not focusing on the need for rental housing, especially affordable rental housing.

The following recommendations seek to avoid the mistakes of the past, and plan for a more diverse housing inventory to meet the needs of a growing and changing population.

RECOMMENDATIONS

Achieve and Maintain the Right Housing Mix. The US Census for 2010 reported that Lemont has 6,100 housing units. The housing stock consists predominately of single-family detached dwellings (see figure 3-4). The geographic distribution of these single-family homes is widespread, covering every area of the community, including the downtown. Two-flats are pervasive in certain areas of the Village, particularly in and near the downtown and the older residential areas near State Street, to the north of Peiffer Street.

Figure 3-4 Housing Type, 2011. Source: 2011 American Community Survey, five-year estimates. Universe: Total housing units.



Clusters of townhouse units are found in many areas of the Village, sometimes as a component of a larger, primarily single-family detached subdivision. Multi-family housing units are limited in both number and geographic distribution within the Village; only one multi-family development exists south of 127th Street. The highest concentration of multi-family units is in the 82-unit, mixed use Front Street Lofts building downtown. Many of the Village's multi-family units are part of senior assisted living facilities.

Generally, the Village should do more to encourage single-family attached and multi-family housing. Such housing will meet the changing demands of a local housing market that has been dominated by baby boomers for the last 40 years. These different housing options should also prove attractive to the baby boomers, whether from Lemont or elsewhere, who will increasingly seek to shed their single-family detached homes. Likewise, the Village should re-evaluate the policy and zoning restrictions on location of single-family attached housing: townhouses, duplexes, two-flats.

Developments that offer single-family detached homes alongside duplexes or townhouses, for example, offer many social benefits, e.g. options for extended families with members at different life stages to live in proximity to one another; they have also proven attractive in the marketplace. Similarly, a mix of detached single-family home and lot sizes can add diversity and vibrancy to a neighborhood, and accommodate the desires of various homebuyers. The Village should be receptive to new development proposals that mix housing types and lot sizes. In the near-term, the existing supply of entitled but undeveloped subdivisions will need to be absorbed. The Village should consider proposals to add a diversity of lot sizes and/or housing types to previously approved subdivisions comprised entirely of homogeneous single-family detached lots.

Advocates for affordable housing have long been concerned that local zoning and land use regulations were increasing social and racial stratification in the region.⁷ In an effort to increase the supply of affordable housing, the State of Illinois passed the Illinois Affordable Housing Planning and Appeal Act in 2003 (310 ILCS67/). The law mandated that municipalities and counties without at least 10 percent of their housing stock classified as affordable create and adopt an affordable housing plan by 2005. The Village of Lemont complies with the law, i.e. over 10% of the housing in Lemont is considered affordable. Affordable housing for Lemont should nevertheless remain a concern and the Village should seek to include affordable units in future growth. Finally, the Village should remain open to inter-jurisdictional discussions aimed at addressing a regional fair share of affordable housing distribution.

Encourage Infill Development. The cost burdens of converting office space to residential units should be reduced. The Village and Lemont Fire Protection District should explore the adoption of the International Rehabilitation Code and/or amendments to existing building and fire codes. Additionally, changes to zoning code and the zoning map could allow for some infill redevelopment at slightly higher densities; a higher density may make redevelopment more financially viable as costs of redevelopment are generally higher than that for new greenfield development.

Reinvest in Lemont's Housing Stock. Historically, Americans have been extremely mobile. While one recent study suggests that internal migration is at a 30-year low, "the latest Census data reveal that that

⁷ For a further discussion of national and regional affordable housing issues, see: Meck, Stuart, Rebecca Retzlaff and James Schwab, *Regional Approaches to Affordable Housing*, Planning Advisory Service Report Number 513/514 (2003), American Planning Association.

young people aged 25 to 29 are increasingly more mobile and willing to move to new cities, very often in new states, in search of jobs.”⁸

People’s choices on where they live are based on many factors. For most households, housing characteristics interacting with evolving stage-of-life housing preferences are the dominant reasons for moving. Housing characteristics, therefore, also influence whether current or future residents will choose to reinvest in existing dwellings or purchase new ones. The well-being of neighborhoods, local governments, and regions is linked to reinvestment in structures. If the reinvestment motivation and capacity of too many current owners is insufficient, neighborhoods, local governments, and regions will suffer.

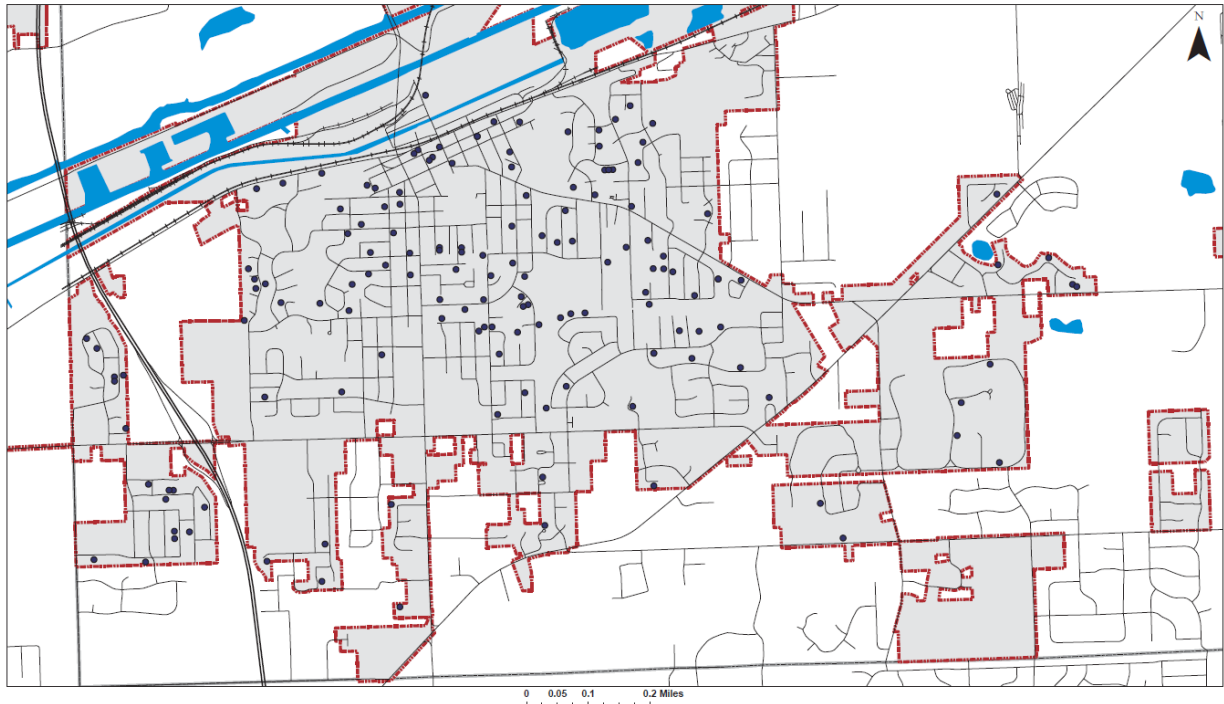
The housing age and quality of Lemont’s housing are not homogeneous; indeed the age of Lemont homes is truly diverse. The historic district contains residences that date from the 1850s – 1880s while subdivisions on the fringes of town are lined with brand new two-and-a-half story, masonry homes of substantial size and bulk.

The R-4A zoning district, near downtown, contains an abundance of small one-story frame homes built in the immediate years after World War II. The small size of the homes built in the 25 years after World War II pose “a major obstacle to effecting enough housing reinvestments to achieve neighborhood stability.”⁹ However, a review of building permit activity (basement, remodel, addition) from 2006 to 2012 reveals reinvestment is occurring in homes in the R-4A (see Figure 3-5). For the moment, it appears that neither the age nor the quality of Lemont’s housing stock poses a threat to the long-term social and economic stability of any of the Village’s neighborhoods. Nevertheless, as Lemont’s existing housing stock continues to age and as the availability of new homes increases, reinvestment in the older homes in town will remain important. The Village should continue to monitor reinvestment in its existing homes, particularly the residences in the DD and R-4A zoning districts. Lack of re-investment should be addressed through various programs, including, where feasible, the use of Community Development Block Grant money.

⁸ Molley, Raven, Christopher L. Smith and Abigail Wozniak, “Internal Migration in the United States,” *Journal of Economic Perspectives*, Vol 25, No 3 (Summer 2011), p173-196, suggest that “migration rates have fallen for most distances, demographic and socioeconomic groups, and geographic areas.” On the other hand, William H. Frey, senior fellow at the Brookings Institute, notes that young people are increasingly mobile. See Frey, William H. “America’s Young Adults: A Generation on the Move,” at <http://www.brookings.edu/research/expert-qa/2012/11/20-frey-qa>.

⁹ National Association of Home Builders, 1997

Figure 3-5 Reinvestments in Lemont (2006-2012) Source: Lemont Building Department



The Village should also seek to preserve the community's existing housing stock. The following statement should be applied to Lemont: "The preservation of older market-rate owner-occupied and renter-occupied housing, much of which is affordable to low-income households, should be used as a filter whereby land use choices and decisions are made on new development or proposed redevelopment projects."¹⁰ The impact of stringent building and fire codes on the rehabilitation of existing housing should be addressed. The Village should seek to make the requirements of such codes more supportive of rehabilitation.

Re-invigorate Fair Housing Efforts. Often confused with affordable housing is fair housing. While affordable housing policy addresses the economic attainability of housing for all segments of the community, fair housing policy addresses equal access to housing. "Equal and free access to residential housing (housing choice) is fundamental to meeting essential needs and pursuing personal, educational, employment, or other goals. Because housing choice is so critical, fair housing is a goal that government, public officials, and private citizens must achieve if equality of opportunity is to become a reality."¹¹

The Village of Lemont has had a fair housing ordinance since at least 1992. Over the years the Village has undertaken various efforts to publicize its fair housing ordinance, but these efforts have been sporadic and uncoordinated. Lemont's policy on fair housing remains consistent with federal, state, and

¹⁰ American Planning Association, "Policy Guide to Housing," p. 7.

¹¹ *Fair Housing Planning Guide, Volume 1*, U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity.

county policies. This ordinance, however, does not include all of the protected classes as listed in federal, state, and county regulations and policies; it requires review and updating. Moreover, the Village should adopt a Fair Housing Plan. Such a plan should seek to increase awareness of fair housing issues and ensure that potential fair housing violations can be easily reported. And despite staffing and budget constraints, the Village should analyze impediments to fair housing choice in Lemont. Staff training and workshops with local real estate brokers should also be considered as part of a Fair Housing Plan.

Associated with fair housing is housing that is accessible to those with disabilities. “Accessible housing increases housing opportunities and choices for the elderly and persons with physical disabilities, and enhances convenience for non-disabled persons and children.” A continuing issue is the lack of accessibility in single-family detached homes. Although most multifamily housing is now required to comply with the accessibility provisions of the Fair Housing Act, single-family housing and multifamily developments less than four units are not required to be accessible or have adaptable units. Visitability is a housing design strategy to provide a basic level of accessibility for single-family housing, thus allowing people of all abilities to interact with each other. Visitability standards do not require that all features be made accessible. As the population trends toward an older demographic, visitability and universal design will increase in importance.

Preserve Lemont’s Single-Family Character. Almost any community’s identity is forged by the type, quality, and maintenance of its housing stock. Lemont is no different, and for decades our town has been one of predominately single-family detached homes. This should remain so. Other recommendations contained within this chapter for a varied housing mix should not be considered in conflict with this recommendation to preserve the single-family character. The Village should plan for and regulate the orderly integration of urban single-family attached and multi-family building forms within suburban single-family residential neighborhoods.

IMPLEMENTATION ACTION AREAS

The following tables summarize the housing element’s recommendations and responsible parties for addressing housing issues.

Implementation Action Area 1: Achieve and Maintain the Right Housing Mix

<p>Allow detached single-family development with smaller lots</p> <p>LEAD IMPLEMENTER(S): Planning & Economic Development Dept.; Planning & Zoning Commission</p>	<p>As part of the effort to re-evaluate greenfield development, the Village should consider the creation of a new zoning district aimed at allowing detached single-family home construction on smaller lots. Requirements for lot size, width and setbacks should be reduced from the current R-4 zoning standards. Smaller lot sizes should be tied to controls over the size of the house on the lot, e.g. standards similar to the Village’s floor area allowance in the R-4A. Additionally, subdivisions with such lot standards should be required, though PUD, annexation, or other zoning control, to contain adequate open space.</p>
<p>Allow the construction of “rowhouses”</p> <p>LEAD IMPLEMENTER(S): Planning & Economic Development Dept.; Planning & Zoning Commission</p>	<p>The Village should do more to encourage single-family attached and multi-family housing. Current zoning regulations effectively prohibit the construction of rowhouses, i.e. groups of townhouse units more than three abreast. The rowhouse product should be allowed as of right in the R-5 and R-6 zoning districts. The allowance for rowhouses should be coupled with a requirement for articulation of the façade, i.e. one or more units should protrude from the plane of the other façades.</p>
<p>Allow two-flats and/or duplexes on corner locations within single-family zoning districts</p> <p>LEAD IMPLEMENTER(S): Planning & Economic Development Dept.; Planning & Zoning Commission</p>	<p>The Village should do more to encourage single-family attached and multi-family housing. Two-flats—at least legal ones—are uncommon in Lemont. This housing product offers great opportunities for multi-generational usage, or provides an income-producing opportunity for homeowners. The two-flat has proven popular in the immigrant communities, and their availability in Lemont could help continue to attract immigrant groups such as the Lithuanians and Polish to town. Two-flats have been successfully blended within the fabric of single-family neighborhoods in many urban environments, and with attendant design controls, need not appear out of place.</p>
<p>Encourage residential planned unit developments that contain a range of housing products or lot sizes</p> <p>LEAD IMPLEMENTER(S): Planning & Economic Development Dept.; Planning & Zoning Commission; Village</p>	<p>In Lemont, planned unit development proposals have—with only two exceptions over the last 15 years—contained only one type of housing product, e.g. all townhouse units or all single-family homes. The Village should encourage developments with a mix of housing types and a mix of lot sizes for detached single-family lots. Encouragement should come in preliminary talks between the Village and developers, i.e. the Village should express its desire and willingness to see various housing products. Additionally, approval of annexations and planned unit developments should be more closely tied to considerations of the balance of housing products.</p>

<p>Board of Trustees</p>	
<p>Monitor and report on dwelling unit construction and home buying trends</p> <p>LEAD IMPLEMENTER(S): Planning & Economic Development Dept.; Building Dept.</p>	<p>The Building Department tracks construction activity. Staff, primarily through functions with the Lemont Area Chamber of Commerce, receives antidotal information on home buying activities in town. Planning & Economic Development staff should meet periodically with real estate brokers to obtain information on home buying trends in Lemont. Likewise, staff should track regional home construction and home buying trends. The data from on housing construction and the information from the realtors should be analyzed and reported to elected officials on at least an annual basis. Such reports should form the basis for continuing discussions of the appropriate housing balance and potential amendments to the comprehensive plan.</p>
<p>Reduce the practice of incorporating provisions in development approvals that result in more expensive construction</p> <p>LEAD IMPLEMENTER(S): Planning & Economic Development Dept.; Planning & Zoning Commission; Village Board of Trustees</p>	<p>In Lemont, annexation agreements and planned unit development ordinances of often include requirements that increase the cost of home construction. The most common manifestation of this has been provisions for high percentages of brick on building exteriors and minimum home sizes. Rather than taking a blanketing all new developments with such requirements, the Village should limit the incorporation of such provisions to a select number of new developments or require them on only certain phases of new developments.</p>
<p>Improve citizen perceptions of affordable housing by ensuring good design</p> <p>LEAD IMPLEMENTER(S): Planning & Economic Development Dept.; Planning & Zoning Commission</p>	<p>Poor site design and poor architecture contribute greatly to people’s unfavorable perceptions of affordable housing. Good design, therefore, could go a long way to assuaging such concerns over a potential project. See sidebar on specific recommendations for the design of multi-family housing.</p>

Implementation Action Area 2: Encourage Infill Development

<p>Remove barriers to the conversion of commercial space to residential space in the downtown.</p> <p>LEAD IMPLEMENTER(S): Building Dept.; Lemont Fire Protection District</p>	<p>Recent attempts of downtown property owners to convert office space to apartments have run afoul of the Lemont Fire Protection District’s fire code and/or the Lemont Building Code. The Village and LFPD should adopt the International Rehabilitation Code or make other appropriate changes to the existing building and fire codes.</p>
<p>Amend Zoning to allow more single-family attached options in infill locations</p> <p>LEAD IMPLEMENTER(S): Planning & Economic Development Dept.</p>	<p>The Village should consider amending the R-4A zoning district regulations to allow two-flats on corner lots. Additionally, the Village should examine expanding the territory devoted to R-5 zoning in appropriate infill locations.</p>

Note: many of the implementation action steps to achieve the right housing mix will also encourage infill development, if applied to already developed areas in addition to new Greenfield development.

Implementation Action Area 3: Re-invest in Existing Housing Stock

<p>Monitor Construction Activity in Existing Housing Stock</p> <p>LEAD IMPLEMENTER(S): Building Dept.; Planning & Economic Development Dept.</p>	<p>The Village should continue to monitor reinvestment in its existing homes, particularly the residences in the DD and R-4A zoning districts. Lack of re-investment should be addressed through various programs, including, where feasible, the use of Community Development Block Grant money.</p>
<p>Amend local building codes to encourage reinvestment and preservation of older homes.</p> <p>LEAD IMPLEMENTER(S): Building Dept.; Fire Protection District</p>	<p>The Village should consider the adoption of the International Rehabilitation Code or other local fire and building code amendments that would support further investment and preservation of existing housing stock.</p>

Implementation Action Area: 4 Reinvigorate Fair Housing Efforts

<p>Appoint a Fair Housing Officer; publicize the officer’s role.</p> <p>LEAD IMPLEMENTER(S): Village Administrator; Planning & Economic Development Dept.</p>	<p>The mayor should appoint a Fair Housing Officer who will have oversight of the Village’s Fair Housing policy and who will function as the initial point of contact for those having inquiries or concerns about fair housing. The appointment of the officer and the officer’s function should be publicized. Residents should be encouraged to contact the Fair Housing Officer, and contact information and details on fair housing should be prominently displayed on the Village’s website and in other appropriate Village documents or media.</p>
<p>Consider the use of CDBG grant money for purposes other than water/sewer repair</p> <p>LEAD IMPLEMENTER(S): Planning & Economic Development Dept.; Village Administration</p>	<p>Like many eligible municipalities in Cook County, the Village has used CDBG grant money for projects related to water main replacement. The Village should consider the use of CDBG money for other eligible projects, such as: streetscape improvements, housing rehabilitation, and correction of building and fire code deficiencies.</p>
<p>Analyze impediments to fair housing</p> <p>LEAD IMPLEMENTER(S): Planning & Economic Development Dept.; Village Administrator</p>	<p>The Village should determine if any practices within the Village, e.g. actions by real estate brokers, are impediments to fair housing. Engagement of a consultant may be necessary to adequately implement this action.</p>
<p>Consider visitability programs and building code amendments to improve accessibility in single-family homes.</p> <p>LEAD IMPLEMENTER(S): Building Dept.</p>	<p>Accessibility can be improved with the concept of visitability and even more so with universal design. Universal design incorporates features that make homes adaptable to persons who require handicapped access without negatively impacting curb appeal or value. Many universal design features make a home more convenient and mitigate common household safety hazards.¹²</p>

¹² American Planning Association, “Policy Guide to Housing.”

ECONOMIC PROSPERITY ELEMENT

VISION

In 2030, Lemont will have a thriving business community with few vacant commercial buildings. Downtown Lemont will be a vibrant mixed-use district full of unique shops, restaurants, offices, and homes. Lemont will be a desired destination for visitors from outside the community.

GUIDING PRINCIPLES

- Village codes and permitting processes are safeguards of public health and safety; they should also be tools for promoting economic growth and development.
- Patronizing local businesses keeps money circulating in our local economy, thereby benefitting local businesses and local taxing bodies. “Shop Lemont First” should be the ethic of government agencies, local businesses and residents.
- By providing retail development consistent with local demand, Lemont residents will have adequate choices within the community to meet most of their retail shopping needs.
- Proactive approaches to business recruitment and retention are needed to overcome challenges to achieving our vision for economic prosperity
- Creating local employment opportunities for residents provides many benefits to our community including environmental benefits from shorter commutes and strengthened social ties among citizens who live and work locally.
- The downtown, I&M Canal, and the Heritage Quarries Recreation Area are unique assets and should be further cultivated to be attractive destinations for residents and visitors.
- The unique charm and rich history of Lemont provides a strong foundation for tourism. Partnerships will create the synergies needed to import spending into the local economy and make Lemont a destination for visitors

INTRODUCTION

In many ways, any local community’s economy is a reflection of larger regional, national, and international trends, driven by forces far beyond the control of a local municipal government. Lemont, like the region and the nation, does not have the same level of manufacturing activity and the accompanying manufacturing jobs that it once had. The health care industry has grown locally and nationally as a reflection of the increasingly complex nature of health care and the aging population in the United States. Regionally and locally there has been limited total job growth over the last ten years.¹

¹ US Census Bureau, Longitudinal Employer-Household Dynamics (LEHD) Program, <http://onthemap.ces.census.gov/>

Although all local economies are pushed and pulled by larger trends, each place has its own unique assets and challenges. While Lemont is within one of the most educated metropolitan areas in the country, Lemont's residents and local workforce have even higher rates of educational attainment than the larger region (38.7% of population 25 and over with a bachelor's degree or higher vs. 34% for the region).² Although Lemont is located within the second most populous county in the country, we are unique in that we still have hundreds of acres of land available for new residential or commercial development within Lemont township.³ While Lemont's origins date back to the 1830's, many of Lemont's neighbors like Woodridge and Darien were not developed until the 1950's - 60's. Our neighbors do not face the same challenges of replacing and updating aging infrastructure as we do in Lemont.⁴

How do we take advantage of our unique assets and overcome our unique challenges to reach our vision for economic prosperity? This plan suggests an ongoing, comprehensive economic development effort focusing on: (1) specific industries that are likely to be attracted to Lemont's unique strengths; and (2) key areas in and around Lemont with the highest potential for current and future economic activity.

EXISTING CONDITIONS

As a part of the Chicago metro, Lemont shares in many of the region's strengths and weaknesses. Achievement of our local economic goals depends largely on the success of coordinated efforts to improve shared regional infrastructure and workforce resources. Locally however, Lemont's infrastructure and workforce are two of its greatest assets as a potential location for business. Lemont provides its own water service and generally has excess capacity to meet demand; this allows for new development to proceed without costly upgrades to Village facilities. Most of the Village and its adjacent planning area is serviced by water and sewer, or has service within a reasonable distance. The Village has recently made plans to extend water and sewer service into a portion of its unincorporated planning area, opening this area up to additional development opportunities.

One infrastructure limitation for Lemont is difficulty in providing sewer service to adjacent sites in Will and DuPage counties. Any extension of service into those areas requires an amendment to the Water Reclamation District of Greater Chicago's (MWRD) facilities planning area. Lemont is also considerably older than many neighboring communities; its aging infrastructure is insufficient for new development in some areas and competing communities may not face similar challenges. In particular, aging infrastructure has been issue near the historic downtown retail district. The Village has taken proactive steps to improve infrastructure in these areas, but more work remains.

One of Lemont's other great strengths as a potential location for business is its educated workforce. The percent of Lemont residents with high school and bachelor's degrees far exceeds state and metro area averages. For retailers, Lemont has above average household incomes, resulting in above average disposable income to support local retail activity. However, the vast majority of Lemont's local residents work outside the village which means that the area has a low daytime population to support retail

² Chicago ranks 45th among all 374 Census Bureau Census Metropolitan Statistical Areas for the number of people age 25 or older with a bachelor's degree or higher. U.S. Census Bureau, 2010 Census.

³ U.S. Census Bureau, 2010 Census.

⁴ Village of Woodridge incorporated in 1959; City of Darien incorporated 1969.

establishments. Of 7,169 workers living in Lemont, only 12% also work in Lemont; the other 88% work outside the community.⁵

Just like the region, Lemont is impacted by state and county tax policies. Lemont struggles to compete with nearby communities for commercial and industrial development due to its disadvantageous tax situation. Property taxes for commercial and industrial properties are typically higher in Cook County than in nearby Will or DuPage counties. Sales tax is another comparative weakness for Lemont versus surrounding communities. Lemont actually lies within three different counties, Will, DuPage, and Cook, but the vast majority of Lemont's territory is in Cook County. Lemont's sales tax rate in Cook County is 8.5%. By comparison, if retail properties were located in the DuPage or Will County portions of Lemont, their sales tax rate would be 7%.

Target Industries

In preparation of this comprehensive plan, a Target Industries Report was created based on a careful examination of Lemont's competitive position in the marketplace, its assets and its liabilities.⁶ Target Industries are industries or groups of industries that are compatible with our community vision and are likely to choose to locate, remain, or grow in Lemont because of our economic, geographic, or other comparative advantages. The practice of targeting has become increasingly commonplace among local governments and regional economic development organizations as agencies seek ways to make the most efficient use of limited resources.⁷

The Target Industries Report examines each of the 20 North American Industrial Classification System (NAICS) industry sectors. Each industry sector was evaluated on the following quantitative factors: whether the sector is experiencing positive national, regional and local employment trends; whether regional economic development agencies are targeting the sector for future growth; whether there is a relative concentration of local employment in the sector when compared to the Chicago metropolitan region and the state; whether local jobs in the sector represent a significant portion of total local employment; and whether local resident employment in the sector represents a significant portion of total resident jobs. Each sector was also evaluated on two qualitative factors: whether the sector aligns with the Lemont 2030 vision and whether the sector is compatible with Lemont's unique strengths, weaknesses, opportunities and threats.

The Target Industries Report ultimately identifies six industry sectors toward which the Village should concentrate its economic development efforts. Four sectors are identified as growth targets, while two sectors are identified as preservation targets. The growth targets include: Health Care and Social Assistance (NAICS 62); Retail Trade (NAICS 44-45); Professional, Scientific and Technical services (NAICS 54); and Arts, Entertainment and Recreation (NAICS 71). The preservation targets are Manufacturing (NAICS 31-33) and Transportation and Warehousing (NAICS 48-49).

Based on the findings of the Target Industries Report, Lemont should seek to increase the proportion of growth target industry sectors in the local economy. Preservation target industry sectors are those which are not expected to increase as a percent of the total local economy, but are still vital components of the local economy. The Village should seek retention and expansion of existing businesses and limited attraction of new businesses in these industry sectors. The target industry

⁵ Census on the Map

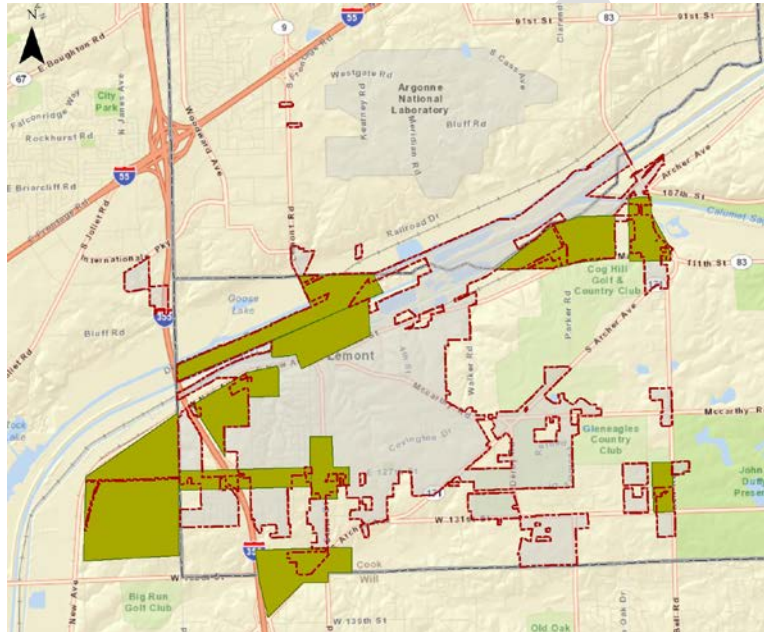
⁶ Lemont Target Industries Report, 2012 – www.lemont.il.us/lemont2030

⁷ Swager, R. J. "The Targeting Study in Economic Development Practice." *Economic Development Review*, Vol. 5, Issue 2 (1987): 56-60.

sectors contained within the Target Industries Report should take priority as the Village considers implementation of the Comprehensive Plan recommendations.

Economic Activity Centers

The Target Industries Report identifies ten locations within the Village or its planning area as economic activity centers. Economic activity centers are existing or potential future hubs of business activity; they are not intended to represent the locations of all commercial activity within the Village, but rather those areas where there already are or may in the future be significant concentrations of economic activity. These economic activity centers are the locations where the Village’s targeted industries are already located or may be located in the future.



The following matrix joins the target industries to Lemont’s economic activity centers. Cells shaded in green indicate that a given target industry is appropriate for a given activity center. These recommended locations should be considered in future annexation, planning and economic development efforts.

Economic Activity Areas	Target Industries				
	Growth Targets			Preservation Targets	
	Health Care	Retail	Professional, Scientific & Tech. Ass't.	Arts, Ent. & Recreation	Manufacturing & Transportation & Wholesale
Downtown					
Sanitary & Ship Canal					
Citgo					
Timberline					
W. 127 th Street					
State & 127 th					
Archer / I-355					
Bell Road					
Maley Road					
Route 83					

RECOMMENDATIONS

To achieve the Village's vision for economic prosperity and to increase the proportion of target industry activity in Lemont, the Village should focus its economic development efforts on the following goals.

Develop Lemont's "Product". Just as the Chicago region competes with other regions in the country to attract businesses, residents, and visitors, Lemont competes with other communities for such resources. To enhance our competitive advantage, Lemont should create both a physical and a policy environment that supports economic growth. The Village's physical environment includes the appearance of commercial districts, the gateways into our community, and other physical attributes that are key to making a good impression on visitors and residents, including visitors who might consider opening or expanding a business in Lemont. The Village's policy environment includes zoning and building regulations, Village procedures, policies regarding incentives, and other non-physical considerations that are equally important to businesses seeking to open or expand in Lemont.

Branding. While the Village is making tangible physical and policy changes to support growth, it should simultaneously pursue an effort to identify the Village's brand and promote that brand through a comprehensive and ongoing brand strategy. Branding and marketing help a community distinguish itself from other communities and help develop a sense of the community's identity. Branding has become increasingly important for cities, as they compete against one another for residents, businesses, and visitors. "This competitive environment is a reality of our times, and how a city stakes out and communicates its distinctive place within it largely decides which cities succeed and which falter in the race for economic prosperity. To this end, places are just like companies: those with a strong brand find it much easier to sell their products and services and attract people and investment."⁸

Although branding is often thought to be simply a logo or a tagline, logos and taglines are marketing tools used to implement a brand strategy. CEOs for Cities describes branding efforts as, "anchored in a community's societal, political or economic objectives ... identifying the core promise that it makes to key audiences, and developing and consistently communicating the core, positive attributes of the place. Whether a place is looking to rebuild, enhance or reinvigorate its image, the first step is a comprehensive brand strategy."⁹

Develop Downtown as a Destination for Residents and Visitors. As Lemont's historic core and a key area of commercial activity, additional efforts should be dedicated to develop downtown's assets. The continued vitality of downtown was a key priority expressed during the public visioning process. Additionally, downtown represents an area of significant prior investment by the Village. From 1999 to 2010 in the downtown TIF district, over \$5.4 million of TIF funding has been spent on public infrastructure improvements, and nearly \$1 million has been spent on marketing, façade grants, and other improvement efforts.¹⁰ Significant private investment has also taken place during this time period, the most obvious of which is the 82-unit Front Street Lofts condominium project. But many smaller, yet substantial other private investments have been made to update and restore the many smaller and often historic buildings downtown. Over \$250,000 in private funds has been spent just by

⁸ CEOs for Cities, Branding Your City, p.2

⁹ CEOs for Cities, Branding Your City, p.3

¹⁰ Downtown TIF District Annual Reports FYE 2000 to FYE 2010

participants in the downtown façade and site improvement grant program. For all of these reasons, downtown warrants dedicated economic development efforts. Both physical improvements and policy changes will help Lemont realize its vision for downtown by 2030.

Develop and Implement a Business Retention & Expansion Program. The Village currently does not have a formal business retention and expansion program. Establishing such a program, with a designated staff coordinator, is an important step toward achieving our economic vision. Generally, it is less expensive for a community to retain and grow its existing businesses than to attract new businesses. Also, business retention and expansion efforts honor the prior investment made by local businesses. Central to any business retention and expansion program is annual surveys of local businesses. Surveys serve three functions. The surveys help collect important information that otherwise may not be available at the local level, or may not be available at the necessary level of detail. Surveys help build rapport between the business community and the economic development team conducting the surveys; they are a way to show businesses that the Village values their input. Finally, surveys help identify mid and long-term issues facing local businesses and provide an opportunity for the Village to assist the businesses with these issues. For example, a survey may reveal that an owner of a successful local business wants to retire; with that knowledge, the Village can assist the owner in succession planning and/or marketing the business for sale. Although annual business surveys should be the Village's first step, a successful business retention and expansion program should include other initiatives and services to support existing businesses, particularly those within Lemont's targeted industry sectors.

Develop and Implement a Business Attraction Program. While expansion of existing businesses will provide new economic growth, new businesses are also needed. New businesses will help expand the local tax base and add to the variety of locally available goods and services. Through straightforward strategies, like maintaining a complete inventory of commercial and industrial property in the Village, the Village can help match new or growing businesses in our targeted industry sectors to opportunities for development in Lemont.

IMPLEMENTATION ACTION AREAS

Implementation Action Area 1: Develop Lemont’s “Product” – Physical & Policy Improvements

<p>Develop inviting gateways into Lemont</p> <p>Lead Implementer(s): Planning & Economic Development Dept.</p>	<p>Gateways are key intersections/corridors that represent major points of entry into a community. Ensuring that these points are attractive is key to creating a positive first impression of Lemont for visitors. The Village should enhance our gateways through streetscaping, signage, and other physical improvements. Private development at gateways should reinforce the public improvements and further enhance the aesthetics of these important areas.</p>
<p>Allow amendments to Planned Unit Developments for infill commercial development</p> <p>Lead Implementer(s): Planning & Economic Development Dept.</p>	<p>Many of the Village’s shopping centers and other commercial developments were approved as planned unit developments. As such, many of the sites are restricted to specific site designs and/or parking ratios. Often the PUDs require more parking than recommended by current Village standards or best planning practices. On these sites, PUD amendments should generally be granted to incorporate additional commercial buildings.</p>
<p>Create master plans for Lemont’s economic activity centers</p> <p>Lead Implementer(s): Planning & Economic Development Dept.</p>	<p>Each site has its own unique assets and challenges. For those centers which are undeveloped, or require significant redevelopment to become a hub of economic activity, master development (or sub area) plans should be developed. In addition to land use and design considerations, these plans should address infrastructure capacity and economic feasibility of any plan proposals.</p>
<p>Annex economic activity centers that are not already within the Village</p> <p>Lead Implementer(s): Planning & Economic Development Dept.</p>	<p>Many of the economic activity centers that are key to the Village’s future economic growth are not currently within Village limits. Annexation of these areas is an important first step to add the necessary acreage for new commercial development.</p>
<p>Vigorously enforce existing property maintenance codes and pursue additional codes as needed</p> <p>Lead Implementer(s): Planning & Economic Development Dept., Code Enforcement</p>	<p>Attractive commercial districts are critical to creating a positive impression for shoppers; unattractive districts are unlikely to be successful. The Village should prioritize enforcement of property maintenance in commercial districts, including the noncommercial properties located within or adjacent to those districts.</p>

<p>Establish a community-wide façade and site improvement program</p> <p>Lead Implementer(s): Planning & Economic Development Dept.</p>	<p>The downtown façade and site improvement grant has been widely successful in helping business and property owners make needed improvements to downtown buildings and businesses. A similar program could encourage reinvestment in older commercial properties throughout the community. The program could be structured as a grant or low interest loan.</p>
<p>Create a “white elephant” ordinance or policy</p> <p>Lead Implementer(s): Planning & Economic Development Dept., Village Attorney</p>	<p>It is not uncommon for large retailers to close and leave a vacant building behind, known as a “white elephant”. Many communities have addressed the problem of white elephants through ordinances that require large retail developments to submit a detailed reuse plan before site plan approval or pay an annual fee into a redevelopment fund. Some ordinances prohibit the use of restrictive covenants, which often prevent efficient reuse of vacant commercial properties. The Village should explore the development of a “white elephant” ordinance or policy to be applicable to future large-scale commercial development.</p>
<p>Annually review Village codes and development review procedures</p> <p>Lead Implementer(s): Planning & Economic Development Dept., Building Dept.</p>	<p>At least once a year, Village staff should review any needed changes to the Unified Development Ordinance, other codes, and internal development review and permitting procedures to see if any improvements can be made to increase efficiency or reduce unnecessary regulation. Contractors, builders, and other stakeholders should be given an opportunity to provide input.</p>
<p>Revise the Unified Development Ordinance to support increased daytime and resident population</p> <p>Lead Implementer(s): Planning & Economic Development Dept.</p>	<p>To support additional retail services the Village needs to increase its daytime population and residential population near its commercial districts. Revisions to the Unified Development Ordinance such as smaller minimum lot sizes for single-family homes and areas zoned for multi-family housing near commercial development would support residential population growth. Such revisions should be implemented, so long as they are not in conflict with other housing or land use goals of this plan.</p>
<p>Create a comprehensive incentives policy</p> <p>Lead Implementer(s): Planning & Economic Development Dept., Village Administration, Finance</p>	<p>A comprehensive incentives policy will let businesses and residents know what kinds of incentives will be considered by the Village and for what kinds of projects. The policy should include consideration of in-kind as well as direct monetary incentives. Generally, incentives should only be available to businesses within Lemont’s targeted industries (growth or preservation) and/or businesses that will redevelop an underutilized or brownfield site. More detailed criteria may be included for specific types of incentives (e.g. the criteria for receiving in-kind incentives may be different than tax abatement). Incentive requests should be evaluated using a cost-benefit analysis.</p>

<p>Promote the development of health care sector businesses along 127th Street, west of State Street.</p> <p>Lead Implementer(s): Planning & Economic Development Dept., Village Administration,</p>	<p>Typically sales tax generating uses are the preferred land use for commercial corridors. However, the area along 127th Street, west of State Street has two characteristics that make it particularly attractive for the development of health care businesses; it is located along I-355 in close proximity to two major hospitals and several medical uses already exist within the corridor. Conversely, the area is not particularly attractive for retail development due to its low traffic counts, which are unlikely to change. For these reasons, the Village should prefer medical office and other health care industry development along this corridor when making land use decisions, including incentive and planned unit development requests.</p>
<p>Maintain existing industrial zoning with very limited expansion</p> <p>Lead Implementer(s): Planning & Economic Development Dept.</p>	<p>Manufacturing and transportation & warehousing are Lemont’s two targeted preservation industries. These industries, located on the Village’s manufacturing and B-4 zoned properties, provide local jobs and play an important role in the regional economy. To retain this important component of our local economy, the Village should not reduce the amount of manufacturing zoned property, with the exception of properties within and immediately adjacent to the Route 83 & Main Gateway TIF area and downtown Lemont. The Village should seek to increase our total acreage of industrial land use through annexation when the areas of annexation that are adjacent to existing industrial/manufacturing areas and such zoning will not create a conflict with existing residential development. The Village should refrain from rezoning existing territory to manufacturing, with the exception of B-4 zoned properties, discussed below. Any new industrial development should comply with the Village’s high standards for site design and aesthetics.</p>
<p>Revise the B-4 zoning district regulations and the Canal Overlay District</p> <p>Lead Implementer(s): Planning & Economic Development Dept.</p>	<p>The B-4 zoning district is intended for outdoor commercial recreation. However 67% of B-4 zoned properties are within the Canal Overlay District, which allows for uses related to water-borne shipments and the barge industry along the Sanitary and Ship Canal which is unrelated to outdoor recreation. The zoning district and overlay cause unnecessary confusion and should be revised. The uses allowed within the Canal Overlay District should still be allowed along the Sanitary and Ship Canal, but new zoning districts should be created to distinguish between the currently B-4 zoned areas truly intended for recreation, and those intended for industrial and/or transportation related uses</p>
<p>Annex Nearby Arts, Entertainment and Recreation Employment Centers</p> <p>Lead Implementer(s): Planning & Economic Development Dept.</p>	<p>Where owners are willing, the Village should annex existing nearby employment centers within the Arts, Entertainment, and Recreation growth target industry sector.</p>

Implementation Action Area 2: Branding

<p>Define Lemont’s Current Brand Image</p> <p>Lead Implementer(s): Village Administration, Planning & Economic Development Dept.</p>	<p>Define the current perceptions of the community using tools like surveys or in person interviews.</p>
<p>Define Lemont’s Aspirational Brand Identity</p> <p>Lead Implementer(s): Village Administration, Planning & Economic Development Dept.</p>	<p>Define the perceptions we want people to have of Lemont in the future. The aspirational brand identity is a goal the Village will strive to achieve.</p>
<p>Create a Brand Positioning Strategy</p> <p>Lead Implementer(s): Village Administration, Planning & Economic Development Dept.</p>	<p>The gap between the current brand image and the aspirational brand identity influences the brand positioning strategy. The brand positioning strategy begins to move the village toward the aspirational identity, but communicates a credible image of Lemont as it is today. The brand positioning strategy is used to drive communications and the marketing plan.</p>
<p>Execute a brand-based marketing plan</p> <p>Lead Implementer(s): Village Administration, Planning & Economic Development Dept.</p>	<p>The marketing plan will execute the brand positioning strategy, and will change over time as the brand positioning strategy changes. A brand-based marketing plan will include advertising, but should also include other opportunities to enhance the Village’s brand (e.g. customer service interactions).</p>

Implementation Action Area 3: Develop Downtown as a Destination for Residents and Visitors

<p>Stabilize the I&M Canal wall and improve water conditions in the canal.</p> <p>Lead Implementer(s): Planning & Economic Development Dept.</p>	<p>The I&M Canal is the reason Lemont was founded and the nationally historic canal still cuts through the downtown. The Village has installed miles of walking paths on either side of the canal and planted extensive landscaping along the canal in heart of downtown. However, the canal and its original limestone canal walls are in need of repair. Restoring water to the canal and stabilizing the limestone canal walls, at least in the heart of downtown, will honor the past investments made by the Village and ensure the canal serves as an asset to the downtown, rather than a liability.</p>
<p>Create an “open air museum” within the downtown</p> <p>Lead Implementer(s): Planning & Economic Development Dept., Historic Preservation Commission, Lemont Area Historical Society, Lemont Art & Culture Commission</p>	<p>Downtown has many historic structures with rich histories and various works of public art depicting aspects of Lemont’s past. However, visitors do not have information to help them realize the historical significance of these buildings and displays. By adding historic interpretation (e.g. signs, self-guided tour maps, podcasts) the Village can create opportunities for people to interact with downtown’s existing historic features and enhance the visitor experience. The Village should also add features in the downtown that use Lemont’s history to engage and inform visitors.</p>
<p>Continue to support increased commuter rail service</p> <p>Lead Implementer(s): Administration</p>	<p>The Village has long recognized that increased Metra service would enhance the economic vitality of downtown, and the entire community. As such, the Village has supported increased service on the Metra Heritage Corridor Line. Efforts in support of increased service should continue.</p>
<p>Market downtown as a visitor destination</p> <p>Lead Implementer(s): Planning & Economic Development Dept.; Chamber of Commerce</p>	<p>Downtown Lemont is a unique, historic traditional business district. It is also host to most of the Village’s special events. To take advantage of downtown’s unique assets, promote attendance at special events, and remain competitive with other nearby downtown districts, the Village should create print and online advertising campaigns to market downtown to local residents, visitors from nearby communities, and heritage tourists.</p>
<p>Revise UDO as needed to continue support of a mixed use environment, consistent with historic development patterns</p> <p>Lead Implementer(s): Planning & Economic Development Dept.</p>	<p>In 2005 Lemont adopted new zoning standards for the downtown. The standards are designed to maintain the area’s mixed use, pedestrian oriented environment. The standards are also designed to allow new construction, but with design features and setbacks that fit with the historic patterns of development downtown. The use standards have generally been successful to date, but in some instances the bulk regulations may allow construction that would be incompatible with existing buildings. The bulk standards should be re-evaluated and amended as deemed prudent. The standards should strike a balance between preserving the character of the downtown and stimulating investment in the area.</p>

<p>Adopt a vacant storefront ordinance</p> <p>Lead Implementer(s): Planning & Economic Development Dept.</p>	<p>Vacant storefronts are particularly detrimental to the vitality of a downtown district; because shops are close together and buildings are close to the street the storefront windows are highly visible. Vacant storefront ordinances require building owners to place artwork or other signs in the storefront windows of a building that has been vacant for a given period of time. The required signs or art displays serve to reduce the visual impact of the vacant storefront window in the streetscape.</p>
<p>Create a funding plan to continue maintenance of TIF improvements upon expiration of the downtown TIF.</p> <p>Lead Implementer(s): Administration, Planning & Economic Development Dept.</p>	<p>The downtown TIF district expires in 2014. Upon the expiration of the TIF, the Village will need to develop a plan to maintain and continue improvements to the public amenities in the downtown.</p>

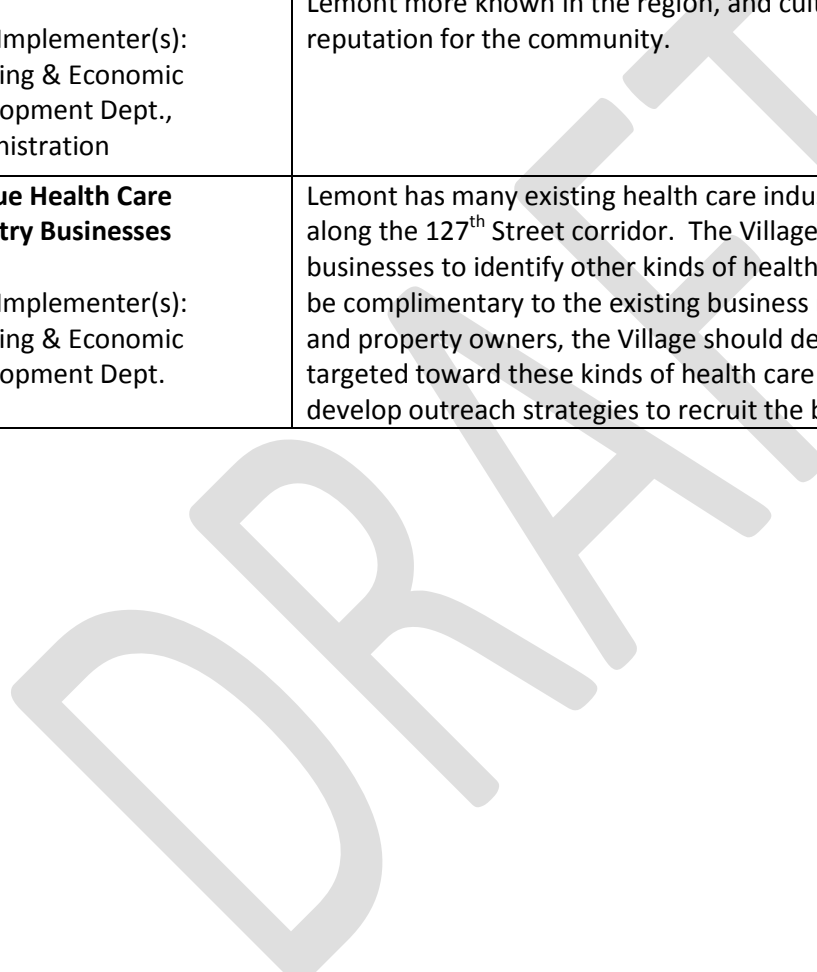
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Implementation Action Area 4: Develop and Implement a Business Retention & Expansion Program

<p>Conduct Annual Business Retention Surveys</p> <p>Lead Implementer(s): Planning & Economic Development Dept.</p>	<p>Annual business surveys are the foundation of most business retention and expansion programs. Due to resource constraints, some surveys will be conducted electronically or by paper. But in-person surveys should also be conducted, particularly for businesses within the Village’s growth target industries.</p>
<p>Increase local shopping</p> <p>Lead Implementer(s): Planning & Economic Development Dept.; Chamber of Commerce</p>	<p>Increasing the percentage of total disposable income spent within the village will increase local tax revenue and support local businesses. The Village should seek to increase local shopping through 1) a marketing campaign to educate residents on the benefits of local shopping and 2) assisting local businesses to match their inventory and services to those in demand by local residents.</p>
<p>Support retail clusters through advertising</p> <p>Lead Implementer(s): Planning & Economic Development Dept.</p>	<p>The Village should create targeted advertising campaigns aimed at supporting existing local retail clusters that draw people into the trade area. For example, a “lunch in Lemont” campaign directed to nearby employment centers to enhance spending at Lemont’s quick service eating establishments.</p>
<p>Identify and assist home-based businesses</p> <p>Lead Implementer(s): Planning & Economic Development Dept., Chamber of Commerce</p>	<p>Working with the Chamber of Commerce, the Village should begin a program to identify existing home based businesses in Lemont in the professional, scientific, and technical services target industry sector. Once identified, the Village should survey the businesses to discover common needs and interests and work to create programs and/or services to assist the businesses to transition to an office-based business with employees.</p>
<p>Support the Lemont Art & Culture Commission to further growth in Arts, Entertainment, & Recreation</p> <p>Lead Implementer(s): Planning & Economic Development Dept., Lemont Art & Culture Commission Chamber of Commerce</p>	<p>Lemont should build on its existing assets to promote economic growth within the Arts, Entertainment & Recreation target industry sector. One of these assets is the Lemont Art & Culture Commission. The Commission has been successful in developing several public art projects. It also provides art classes and features works of local artists in the recently opened Lemont Center for the Arts. The Commission works collaboratively with the Lemont Artists Guild, a group of local artists. The Village should support the continued work of the Art & Culture Commission by providing a staff liason to assist with grant applications and programming aimed at promoting economic growth in the arts and entertainment sector. The Village should also support the Commission in its efforts to raise funds for a permanent Lemont Center for the Arts in the downtown.</p>

Implementation Action Area 5: Develop and Implement a Business Attraction Program

<p>Create and maintain a sites and buildings inventory</p> <p>Lead Implementer(s): Planning & Economic Development Dept.</p>	<p>In order to quickly respond to requests for information from real estate brokers, developers, retailers and others, the Village should create and maintain an inventory of all commercial and industrial property in the Village. The inventory should also include properties currently outside the village limits that have development potential and could be annexed.</p>
<p>Cultivate a positive reputation for Lemont in the region</p> <p>Lead Implementer(s): Planning & Economic Development Dept., Administration</p>	<p>The Village should participate in industry group events, particularly real estate industry events. Participation in such events provides opportunities for Village staff to interact with these communities, make Lemont more known in the region, and cultivate a positive, pro-active reputation for the community.</p>
<p>Pursue Health Care Industry Businesses</p> <p>Lead Implementer(s): Planning & Economic Development Dept.</p>	<p>Lemont has many existing health care industry businesses, particularly along the 127th Street corridor. The Village should work with these businesses to identify other kinds of health care businesses that would be complimentary to the existing business mix. Working with business and property owners, the Village should develop marketing materials targeted toward these kinds of health care industry businesses and develop outreach strategies to recruit the businesses to Lemont.</p>



Village Board

Agenda Memorandum

To: Mayor & Village Board

From: George Schafer, Village Administrator
Jeff Stein, Village Attorney

Subject: Title V

Date: March 6, 2014

BACKGROUND/HISTORY

The following memorandum is intended to highlight the major changes associated with the newly drafted Title V. In addition, there are numerous policy decisions that the Village Board will need to address in order to ensure the Board's vision and current staff practices are incorporated into the new Title V. The attached version of the newly drafted Title V is watermarked as a "draft" and is intended to be read as such. In addition to any changes recommended by the Board, staff anticipates additional, minor formatting and language changes before the final version of Title V is adopted.

DISCUSSION

The newly drafted Title V was created using the general direction provided by the Board back in 2013. This version was also drafted with the intent to incorporate the staff-level administrative requirements that come with enforcing and implementing such ordinances.

GENERAL BUSINESS LICENSES

A general business license will be applicable for all businesses located in the Village. This requirement allows the Village to ensure that the places of public accommodation, such as offices, are in compliance with all applicable Village codes. See 5.02.010; 5.02.030.

Like a liquor license violator, the Mayor will have the ability to hear any charges against an existing business license holder who violates the Village Code or threatens the public, health, safety and welfare. The Mayor's authority will extend to the suspending and/or revoking the business license. Violations or citations issued to licensees, seeking fines or injunctive relief, will still be adjudicated through the local adjudication process, where monetary fines and/or injunctive relief seeking compliance can be ordered. However, should the Village decide that certain problematic licensees (repeat offenders or very serious offenses) should no longer be allowed to conduct business because of its actions; the suspension/revocation of that license will be adjudicated by the Mayor. See 5.02.070.

LIQUOR LICENSES

The Liquor Code now accurately reflects all the changes made by the Village Board over the last few years.

Fees

Currently, all initial applications made prior to May 1st require only ½ payment to be made at that time with the other ½ payment to be made on November 1st. The same payment process applies to renewals as well. Staff recommends requiring full payment of a liquor license at the time of application or renewal; with those applying for a license after November 1st paying ½ of the annual fee for the initial year. A full payment process will lessen the burden upon staff in administrating renewal letters and to process payments received. Should the Village desire to, it can offer a refund for any license that is voluntarily surrendered prior to November 1st of a given license year.

If these changes are desirable, they will need to be provided for in the code. The current draft version contains the current practice of the Village. See 5.04.070 (original version remains).

Number of Licenses

The current version of the Liquor Code is cumbersome as it relates to the number of licenses established for a category. The newly created chart will help facilitate the numerous required amendments associate with changing the license numbers and provide for an ease of reference to this information. See 5.04.060B; 5.04.110.

Change in Personnel

The Liquor Code has been updated to ensure that licensees are required to keep the Village informed of any changes in their personnel, including local managers. This will help Village staff ensure the proper personnel has been fingerprinted and has contact information with the Village. See 5.04.100.

Age Related Regulations

The current version of the Liquor Code allows for the liquor control commissioner to issue a “special permit” to allow underage employees to act as waiters or waitresses. The Village is recommending that the special permit provision be removed and that the Village either allow underage waiters/ waitresses or prohibit them entirely. The current Liquor Code also allows an underage employee, pursuant to special permit, to serve as a clerk in a retail establishment. It is required and the common practice of retail establishments to not allow an underage clerk to issue the sale of liquor and rather have a person of legal age scan the items sought to be purchased and the updated Liquor Code has been updated to reflect that practice. Should the Board decide that the extra layer of regulations be in place, the Code can require that the licensee to present the underage employee before the liquor control commission, and then the Liquor Control Commissioner can make a ruling. See 5.04.120.

TOBACCO DEALERS

Tobacco dealers would require a permit to sell tobacco in conjunction with the requirements set forth by State law.

The liquor control commissioner is responsible, per the Illinois Liquor Control Act, to regulate tobacco sales. These provisions are provided for in the attached draft Title V.

FOOD SERVICE ESTABLISHMENTS

This section is meant to ensure the mandatory inspections performed by the County, as provided for in the Intergovernmental Agreement between the Village and the County Department of Health, are reflected as a requirement under the Village Code. In December of 2013, the State made some modifications to its codes which may require additional changes to this section.

RAFFLES

State law regulates raffles and allows the local municipality to have joint licensing or regulations, but does not require such municipal regulation. Therefore, staff is recommending that this section be removed.

SOLICITATION

Solicitation has been divided into two categories. The regulations regarding public way solicitations are governed by State law. Certain reasonable restrictions can be placed upon those seeking a permit. The Chief and command staff of the police department will work with the Village Attorney to finalize those requirements. See 5.12.020. The other category of solicitation is commonly referred to as door-to-door solicitation. These two types of solicitation have different regulations and for that reason, as well as for ease of reference, the new Title V will have these two types of solicitation split into separate chapters.

AMUSEMENTS/SPECIAL EVENTS

A new possibility for special events is to require cash deposits prior to the event taking place. The term “if required” has been inserted so it is not always applicable.

SIDEWALK DISPLAYS

The sidewalk display regulations will remain in place. However, staff has recommended the removal of a separate permit/license requirement. Instead, those businesses that wish to have a sidewalk display must simply do so in conformity with this code. This will alleviate an additional burden upon both staff and the businesses to have some extra advertising.

If at any point temporary sidewalk displays become a nuisance, either specifically or generally, the Village has the right to have those displays removed and seek the repair of any damaged/destroyed public property.

OUTDOOR DINING

The outdoor dining/sidewalk café license has been expanded to allow eating and/or drinking in the licensed area. Prior to this revision, the Village only allowed those establishments to have drink service if it also had food service in the licensed area. This restriction excluded some businesses that do not serve food but had the space and desire for outdoor drinking areas.

Another major update to this code removed the requirement for a physical “barrier” in the licensed area. Instead, the newly revised code will allow for barriers or a visibly marked boundary of the licensed area. This removes the requirement to have large, heavy barriers placed around outdoor areas that may already be limited in space. Alcoholic consumption is still prohibited from occurring outside of the visibly marked boundary and this regulation will have to be monitored by the licensee.

**VILLAGE OF LEMONT
ORDINANCE NO. _____**

**An Ordinance Amending Title 5 of the Lemont, Illinois
Municipal Code Relating to Business Licenses and Regulations**

**ADOPTED BY THE
PRESIDENT AND THE BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT
THIS ___ DAY OF _____, 2014**

**Published in pamphlet form by
Authority of the President and
Board of Trustees of the Village of
Lemont, Counties of Cook, Will and
DuPage, Illinois, this ___ day of _____, 2014.**

ORDINANCE NO. _____

An Ordinance Amending Title 5 of the Lemont, Illinois Municipal Code Relating to Business Licenses and Regulations

WHEREAS, the Village of Lemont (“Village”) is an Illinois Municipal Corporation pursuant to the Illinois Constitution of 1970 and the Statutes of the State of Illinois; and

WHEREAS, the Village President and Board of Trustees desire to make substantial revisions to Title 5 of the Village Code of the Village of Lemont; and

WHEREAS, the Village finds that it is in the best interests of the Village and its residents to amend Title 5 of the Village Code in its entirety and in the manner set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT and BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COOK, DUPAGE AND WILL COUNTIES, ILLINOIS, as follows:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Justice, Cook County, Illinois as follows:

SECTION 1: The statements set forth in the preamble to this Ordinance are found to be true and correct and are incorporated into this Ordinance as if set forth in full.

SECTION 2: The Lemont, Illinois Municipal Code (“Village Code”), as amended, is hereby further amended by amending Title 5 in its entirety so that the same shall be read as follows:

[REMAINDER OF PAGE LEFT BLANK]

Title 5: BUSINESS LICENSES AND REGULATIONS

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Title 5: BUSINESS LICENSES AND REGULATIONS

Chapter 5.02 GENERAL BUSINESS LICENSE

5.02.010 General Business License Required.

A. No business shall operate within the Village without a valid general business license issued by the Village. A business which operates within the Village shall be required to obtain, in addition to a general business license, such other licenses or permits as apply to the business, as set forth in this Code or other Village Ordinances.

B. The license year for the village shall begin on the first day of May and end on the last day of April of each year. The Planning and Economic Development Department shall mail to all licensees of the village a statement of the time of expiration of the license held by the licensee, if an annual, three weeks prior to the date of such expiration; provided, that a failure to send out such notice, or the failure of the licensee to receive it, shall not excuse the licensee from a failure to obtain a new license or a renewal thereof, nor shall it be a defense in an action for operation without a license.

5.02.020 Application.

Applications for a general business license shall be made in writing upon the form provided by the Village to the Planning and Economic Development Department. Each application shall state the name of the applicant, the type of business, the location to be used, if any, the time covered, the fee to be paid, and such additional information as may be required.

5.02.030 Investigations and Inspections.

A. An applicant for a license or the holder of a license shall permit the village to conduct appropriate investigations and inspections to determine the applicant's eligibility for the license and/or the holder's compliance with the requirements of the license. Such inspections may include inspections of any building or premises where the licensed business or activity is conducted or proposed to be conducted. Such investigations or inspections may be conducted by the official specified in this Code or other Village Ordinances, or by that official's designated representative. The official charged with the duty of making an investigation or inspection shall make a report thereon, favorable or otherwise, within a reasonable time after receiving the application or a copy thereof.

B. Whenever the analysis of any commodity or material used in a business or activity covered by a license, including but not limited to food or beverages, is reasonably necessary to secure compliance with this Code or other Village Ordinances, or to detect violation thereof, the holder of the license shall upon request promptly provide sufficient samples of the material or commodity to an authorized representative of the village to allow analysis thereof.

5.02.040 License Fee.

The annual fee for a business license shall be prescribed by ordinance. In the absence of provisions to the contrary, all fees and charges for licenses and permits shall be paid in advance

at the time application therefor is made to the Planning and Economic Development Department. Except as otherwise provided, all license fees shall become a part of the corporate fund.

5.02.050 Issuance of License.

The Planning and Economic Development Department shall issue the license pursuant to the application if the application is in proper form, the license fee is paid in advance, and any review, investigation or inspection show that the conduct of the business or activity would not violate any federal, state or local laws. The Planning and Economic Development Department may also issue a conditional license when an investigation or inspection discloses a condition which must be corrected, when the applicant has provided satisfactory assurance that the condition will be corrected within a reasonable time, and the conduct of the business or activity pending the correction of the condition will not endanger the public health, safety or welfare. The Building Commissioner shall perform the foregoing functions in relation to the issuance of contractor licenses.

5.02.060 Posting.

It shall be the duty of any person conducting business in the village to keep the business license posted in a prominent place on the premises used for such business at all times.

5.02.070 Suspension or Revocation of Licenses.

In addition to any other penalty which may be authorized by this Code or other Village Ordinances, the Mayor may suspend or revoke any license issued pursuant to this chapter if the licensee refuses to allow a required inspection or jeopardizes public health, safety or welfare by violating this Code, other Village Ordinances, or State or federal laws or regulations which apply to the licensed business or activity. The procedure for suspension or revocation of any license issued pursuant to this chapter shall be as follows:

1. Notice of hearing on suspension or revocation of license. Except as provided in subparagraph (2), below, prior to the revocation or suspension of a license, the licensee be afforded a hearing before the Mayor, and shall be served with a written notice stating the nature of the violations alleged and the date, time and place of a hearing at which the Mayor will receive evidence concerning the alleged violation. Notice of the hearing may be hand-delivered to the licensee's place of business and service shall be deemed complete upon delivery to any employee present on the licensed premises. Notice of the hearing may also be sent by certified mail, postage prepaid, to the address of the applicant for the license as stated on the license application, and service shall be deemed complete at the time the notice is deposited in the mail. The hearing date shall be set no sooner than five days after the date of service without the agreement of the licensee.
2. Summary suspension pending expedited hearing. Where the Village Administrator, Village Attorney or the Chief of Police, or their respective designees, present to the Mayor sufficient evidence demonstrating probable cause to believe that the licensee has violated this Code, other Village Ordinances, or

State or federal laws or regulations, and that said violation will immediately threaten the public health, safety or welfare, the Mayor may, upon the issuance of a written order stating the reason for such conclusion and without prior notice or hearing, order the licensed premises closed and the license summarily suspended pending a hearing and determination on suspension or revocation. Said hearing shall be commenced not more than seven days following entry of such an order, unless the licensee shall agree to a longer period of time. Upon entry of an order of summary suspension, the licensee shall be served with a copy of the order and notice of violation and hearing in the manner provided in subparagraph (1), above.

3. Hearing on suspension or revocation. All hearings incident to the revocation or suspension of any license issued pursuant to this Chapter shall be hearings of record. Any order of suspension or revocation shall be based on written findings of fact, and such findings shall be supported by substantial evidence in the light of the whole record. An order of suspension or revocation shall be served on the licensee in the manner provided in subparagraph (1), above. The failure of the licensee to appear at the hearing shall be deemed a waiver of the licensee's right to present evidence in denial of the complaint of violation or in mitigation of such punishment as may be imposed, and the Mayor may proceed to make a determination on the complaint in the licensee's absence. The decision of the Mayor shall be final.

5.02.080 Fine.

Any person, firm or corporation violating any provision of Title 5 of this Code shall be fined pursuant to Section 1.16.010 of this Code, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. This monetary fine may be assessed in addition to any suspension or revocation of a license as provided in this Chapter.

Chapter 5.04 LIQUOR LICENSES

5.04.010 Definitions and Interpretation.

A. This chapter shall be liberally construed to the end that the health, safety and welfare of the residents of Lemont shall be protected and temperance in the consumption of alcoholic liquor shall be fostered and promoted.

B. Unless the context shall otherwise require, terms used in this chapter shall have the definitions given in the Liquor Control Act of 1934 (235 ILCS 5/1-1, *et al*), as amended from time to time. Where not otherwise qualified, the term license or licensee wherever used in this chapter means a license or licensee of the village under this chapter.

C. "Licensed Video Gaming Location" means a licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, all as defined in Section 5 of the Video Gaming Act (230 ILCS 40/5).

5.04.020 Liquor Control Commissioner.

A. The Mayor shall be the local liquor control commissioner and shall be charged with the administration of the provisions of this chapter and of the appropriate provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1, *et al*).

B. The liquor control commissioner shall receive an annual salary of two thousand dollars paid in equal installments over a 12 month period in the same manner and periods as Village employees are paid. The annual compensation shall be adjusted annually on May 1st, by the consumer price index average for the previous twelve-months for the Chicago-Gary-Kenosha area.

C. The Mayor, with the consent of the village board, may appoint a Liquor Control Review Board consisting of three Lemont residents to assist and advise him in the exercise of such powers and the performance of such duties as the Mayor may deem necessary. Members of the Liquor Control Review Board shall serve for a term of three years, except that the first members shall be appointed for terms of one, two, and three years, respectively.

5.04.030 License Required.

A. It is unlawful to sell or offer for sale in the village any alcoholic liquor without having a license, or in violation of the terms of such license.

B. It is unlawful for any person operating or employed by any business establishment open to the public, which is not licensed to sell alcoholic liquor in the village pursuant to the requirements of this chapter, to sell or offer for sale any alcoholic liquor on such business premises, or to permit alcoholic liquor to be consumed on such business premises.

C. The requirement that a village license be procured shall not apply to physicians, dentists, pharmacists, hospitals or churches when these persons or institutions possess or dispense alcoholic liquor in accordance with the provisions of Liquor Control Act of 1934, as amended.

5.04.040 Application.

A. Applications for new and renewed liquor licenses shall be made, submitted and filed with the commissioner, upon forms prepared and furnished by the village. Each application shall be signed by the applicant. If applicant is a partnership, all partners shall sign the application; if the applicant is a corporation or club, all officers shall sign the application and indicate their official position. The information recited in the application form shall be verified by oath or affirmation as to each person signing the application. New applications shall be accompanied by a nonrefundable application fee of five hundred dollars, which shall be in addition to any other required license fees. Each application shall contain at least the following information and statements:

1. The name, age and address of the applicant, in the case of an individual; in the case of a partnership, the names, ages, and addresses of all partners; in the case of a corporation or a club, the date of incorporation, the objects for which it was

organized, the names and addresses of the officers, directors, managers, and, if a majority in interest of the stock of the corporation is owned by one person or his nominees, the name, age and address of that person;

2. The citizenship of the applicant, his place of birth and, if a naturalized citizen, the time and place of his naturalization;
3. The nature of the business which the applicant intends to carry out on the premises along with the amount of the applicant's anticipated gross revenues for alcoholic liquor as compared with gross revenue from other sources within the proposed licensed premises;
4. The nature of entertainment proposed to be offered within the proposed premises;
5. The class of license applied for;
6. The length of time the applicant has been a resident of the state, the county and village of Lemont or, if a partnership, the length of time that each partner has been a resident of the state, county, and village, or if a corporation, the length of time which its proposed resident manager has been a resident of the state, the county and the village;
7. The length of time that the applicant has been in a business of the same or related character as the applied for business or, in the case of a corporation, the date on which its charter was issued, the state of incorporation, and if a foreign corporation, the date of being qualified to do business under the Illinois Business Corporation Act of 1983 (805 ILCS 5/1.01 et seq.);
8. The common address and Property Identification Number (PIN) of the proposed premises, a detailed description of the proposed premises, an exterior photograph of the premises, and an interior layout plan of the proposed premises;
9. A list of governmental entities to which the applicant has submitted an application for a liquor license, the date of such application, the disposition of such application, and the dates, reason and length of suspension or revocation of such license, if any;
10. Fingerprints taken by the village police department or any other village or state law enforcement agency;
11. A list of convictions for any nontraffic convictions of any village ordinances or state or federal statute indicating the name of the offense and date(s) of conviction. In the case of a corporation, such shareholders owning more than five percent of the stock and the manager. In the case of a partnership, such information must be supplied by all partners.
12. Any other and further information as the local liquor commissioner may prescribe by rule or regulation not inconsistent with State or federal law.

B. The local liquor control commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a license or for a renewal thereof, and the books and records of any such applicant or licensee. The local liquor control commissioner shall have the right to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the local liquor control commissioner under this section, he may authorize his agent to act on his behalf.

5.04.050 Fees and Insurance.

No liquor license shall be issued or renewed unless the applicant or current license holder presents the following to the local liquor commissioner:

1. Evidence of dram shop insurance, in the form of a certificate of insurance issued by an insurance company licensed to do business in the state of Illinois, insuring the applicant, and the owner or lessor of the premises in an amount that is at least equal to the maximum liability amounts set out in 235 ILCS 5/6-21(a); and
2. Payments to the Village of the license fee for the class of license desired.
3. A certificate of good standing to do business in Illinois.

5.04.060 Classes of Licenses, Number of Licenses and License Fees.

A. Every person, firm or corporation engaged in the retail sale of alcoholic liquor in the village shall pay an annual license fee. Such licenses shall be divided into the following classes:

1. Class A-1.
 - a. Class A-1 licenses shall authorize the retail sale of alcoholic liquor for consumption on or off the premises, but shall not permit live entertainment upon the premises.
 - b. The annual fee for a Class A-1 license shall be one thousand two hundred dollars, payable in two installments of six hundred dollars each, the first installment of which shall be deposited with the application for a license, and the second installment of which shall be due and payable on the first day of May or the first day of November, whichever occurs first.
2. Class A-2.
 - a. Class A-2 licenses shall authorize the retail sale of alcoholic liquor for consumption on or off the specified premises, and shall permit live entertainment on the premises.
 - b. The annual fee for a Class A-2 license shall be one thousand two hundred dollars, payable in two installments of six hundred dollars each, the first

installment of which shall be deposited with the application for a license, and the second installment to be due and payable on the first day of May or the first day of November, whichever occurs first.

3. Class A-3.

- a. Class A-3 licenses shall authorize the retail sale of alcoholic liquor for consumption on or off the specified premises and permit live entertainment on the premises, if the premises conforms to the requirements of a restaurant, as defined in Section 5.04.020 of this chapter.
- b. The annual fee for a Class A-3 license shall be one thousand three hundred dollars, payable in two installments of six hundred fifty dollars each, the first installment of which shall be deposited with the application for a license, and the second installment to be due and payable on the first day of May or the first day of November, whichever occurs first.

4. Class A-4.

- a. Class A-4 licenses shall authorize the retail sale of beer and wine only, for consumption on or off the premises, if the premises are establishments which primarily serve meals prepared in the kitchen of the establishment.
- b. The annual fee for a Class A-4 license shall be five hundred dollars, payable in two installments of two hundred fifty dollars each, the first installment of which shall be deposited with the application for a license, and the second installment of which shall be due and payable on the first day of May or the first day of November, whichever occurs first.

5. Class A-5.

- a. Class A-5 licenses shall authorize the sale of intoxicating liquor for consumption on the premises, if the premises are not open to the general public and primarily serve meals prepared in the kitchen of the establishment, having seating capacity for the service of meals at tables and/or counters for not less than fifty patrons at the same time.
- b. The annual fee for a Class A-5 license shall be six hundred fifty dollars, payable in two installments of three hundred twenty-five dollars each, the first installment of which shall be deposited with the application for a license and the second installment of which shall be due and payable on the first day of May or the first day of November, whichever occurs first.

6. Class A-6.

- a. Class A-6 licenses shall authorize the sale of intoxicating liquor for consumption on the premises. Except as provided herein a Class A-6

premises shall not be open to the general public and shall primarily serve meals prepared in the kitchen of the establishment, having seating capacity for the service of meals at tables and/or counters for not less than fifty patrons at the same time. Provided, the Class A-6 premises may conduct incidental sales of intoxicating liquor for consumption on the premises to the general public during such times as food service is available and the premises are otherwise in use for athletic or cultural events consistent with the purpose of the license.

- b. The annual fee for a Class A-6 license shall be six hundred fifty dollars, payable in two installments of three hundred twenty-five dollars each, the first installment of which shall be deposited with the application for a license and the second installment of which shall be due and payable on the first day of May or the first day of November, whichever occurs first.

7. Class A-7.

- a. Class A-7 licenses shall authorize the sale of intoxicating liquor for consumption on the premises at which entertainment is permitted.
- b. The annual fee for a Class A-7 license shall be thirteen hundred dollars, payable in two installments of six hundred fifty dollars each, the first installment of which shall be deposited with the application for a license, and the second installment of which shall be due and payable on the first day of May or the first day of November, whichever occurs first.

8. Class A-8.

- a. Class A-8 licenses shall authorize the retail sale of beer manufactured on premises for consumption on and off the licensed premises; provided, however, that such licensee shall not sell for off-premises consumption more than fifty thousand (50,000) gallons per year. The licensee shall maintain in good standing a State of Illinois brew pub license or craft brew license as required and authorized under the Illinois Liquor Control Act (235 ILCS 5/1, *et.seq.*), as amended.
- b. The annual fee for such Class A-8 license shall be twelve hundred dollars. The annual fee shall be payable in two installments: the first installment of six hundred dollars shall be payable upon issuance of the license and the second installment of six hundred dollars to be due and payable on the first day of May or the first day of November, whichever occurs first.

9. Class B-1.

- a. Class B-1 licenses shall authorize the sale at retail of alcoholic liquor by a bona fide social or fraternal organization or club organized under the laws of the state of Illinois, and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of

alcoholic liquor to its members, their guests, and/or functions officially sanctioned by the organization or club, for consumption within the premises maintained by the club.

- b. The annual fee for a Class B-1 license shall be five hundred fifty dollars, payable in two installments of two hundred seventy five dollars each, the first installment of which shall be deposited with the application for a license, and the second installment to be due and payable on the first day of May or the first day of November, whichever occurs first.

10. Class B-2.

- a. Class B-2 licenses shall authorize the sale at retail of alcoholic liquor by educational, fraternal, political, civic, religious or not-for-profit organizations only, and only on special occasions and only for consumption on the premises described in the license.
- b. The fee for a Class B-2 license shall be twenty-five dollars per day.

11. Class B-3.

- a. Class B-3 licenses shall authorize the sale at retail or delivery of alcoholic liquor for consumption on the premises described in the license by an existing licensee where such sales or delivery are not otherwise permitted for such licensee, but only for special events as approved by the Local Liquor Commissioner and not exceeding 3 consecutive days.
- b. The fee for a Class B-3 license shall be twenty-five dollars per day.

12. Class C-1.

- a. Class C-1 licenses shall permit the sale of alcoholic liquor for consumption off the premises only.
- b. The annual fee for a Class C-1 license shall be eight hundred dollars, payable in two installments of four hundred dollars each, the first installment of which shall be deposited with the application for a license, and the second installment to be due and payable on the first day of May or the first day of November, whichever occurs first.

13. Class C-2.

- a. Class C-2 licenses shall authorize the retail sale of beer and wine only, and for consumption off the premises only.
- b. The annual fee for a Class C-2 license shall be six hundred dollars, payable in two installments of three hundred dollars each, the first installment of which shall be deposited with the application for a license,

and the second installment to be due and payable on the first day of May or the first day of November, whichever occurs first.

14. Class C-3.

- a. Class C-3 licenses shall authorize the retail sale of alcohol if the principal business is the primary sale of alcohol off premises by mail or phone order with display room and periodic consumption on premises. Hours of operation for consumption or sale on premises shall be from nine a.m. to ten p.m.
- b. The annual fee for the Class C-3 license shall be six hundred dollars payable in two installments of three hundred dollars each, the first installment of which shall be deposited with the application for a license, and the second installment to be due and payable on the first day of May or the first day of November, whichever occurs first.

15. Class C-4.

- a. Class C-4 licenses shall authorize the retail sale of alcoholic beverages for consumption off the premises. Consumption of beer and wine on the premises shall be permitted, provided that the gross receipts for such on-premises consumption shall not exceed more than twenty-five percent of the total retail sales of the establishment. Entertainment shall be permitted at limited special events. Hours of operation for consumption or sale on premises shall be from nine a.m. to ten p.m.
- b. The annual fee for the Class C-4 license shall be six hundred dollars payable in two installments of three hundred dollars each, the first installment of which shall be payable upon issuance of the license, and the second installment to be due and payable on the first day of May or the first day of November, whichever occurs first.

B. Number of Licenses. The following shall be the number of licenses to be issued in each Class:

Class	Number of Licenses
A-1	4
A-2	1
A-3	13
A-4	3
A-5	1
A-6	1
A-7	1
A-8	1

Class	Number of Licenses
B-1	3
B-2	As authorized by the Liquor Control Commissioner
B-3	As authorized by the Liquor Control Commissioner
C-1	9
C-2	0
C-3	1
C-4	0

5.04.070 License Duration.

A. All licenses, with the exception of Class B-2 and Class B-3 licenses, shall be effective from May 1st of any given year to April 30th of the following year. The fee for renewal shall be the full annual fee which is to be paid in the full amount at the time of renewal. There shall be no rebate for the unexpired term of a license. An application for renewal shall not be granted as such unless made prior to April 30th, and unless submitted with the appropriate fee. No license shall be valid unless the proper fee has been paid. Initial applications for annual licenses occurring between November 1st of any given year to April 30th of the next year will be entitled to a reduced fee on one-half of the fee for the license.

B. Class B-2 and B-3 licenses shall be effective for the duration placed on the face of the license.

5.04.080 Change of Location.

A license shall permit the sale of alcoholic liquor only in the premises described in the application and license. A license holder shall make a written location change request to the local liquor commissioner, who shall issue a written decision approving or denying such request. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the statutes of the state and the ordinances of the village.

5.04.090 Transfer Limitations.

A. A license shall be a purely personal privilege, good for not to exceed one year after issuance, unless sooner revoked, as provided in this chapter, and shall not constitute property, nor shall it be alienable or transferable, voluntarily or involuntarily, nor shall it be subject to being encumbered or hypothecated.

B. Such license shall not descend by the laws of testate or intestate devolution; it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not

longer than six months after the death, bankruptcy or insolvency of such licensee.

5.04.100 Change in Personnel.

A. Any changes in partnerships, officers, directors, persons holding directly, beneficially, or through any form of indirect or concealed ownership or control, more than five percent of the stock or ownership interest, or managers of establishments licensed under this chapter, shall be reported in writing to the liquor control commissioner within 10 days of the change. All new personnel shall meet all the standards of this chapter and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the liquor control commissioner.

B. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.

C. When a license has been issued to a corporation and a change takes place in officers, directors, shareholders of more than five percent of the stock, resulting in the holding of such shares of stock by one who is not eligible for a license, said license shall terminate.

D. When a license has been issued to an individual who is no longer eligible for a license, said license shall terminate.

5.04.110 Hours of Operation - Designated.

A. Hours of operation for consumption on premises or sale of alcoholic liquor shall be set out in Table 5.04.100.

Table 5.04.100 Hours of Operation for Consumption on Premises or Sale of Alcoholic Liquor

	Weekdays	Friday and Saturday	Sunday	New Year's Eve
Class A-1	6:00 a.m. to 2:00 a.m.	6:00 a.m. to 2:00 a.m. Sat. 6:00 a.m. to 3:00 a.m.	10:00 a.m. to 2:00 a.m.	6:00 a.m. to 4:00 a.m.
Class A-2	6:00 a.m. to 2:00 a.m.	6:00 a.m. to 3:00 a.m.	10:00 a.m. to 2:00 a.m.	6:00 a.m. to 4:00 a.m.
Class A-3	6:00 a.m. to 2:00 a.m.	6:00 a.m. to 3:00 a.m.	10:00 a.m. to 2:00 a.m.	6:00 a.m. to 4:00 a.m.
Class A-4	6:00 a.m. to 2:00 a.m.	6:00 a.m. to 3:00 a.m.	10:00 a.m. to 2:00 a.m.	6:00 a.m. to 4:00 a.m.
Class A-5	6:00 a.m. to 2:00 a.m.	6:00 a.m. to 3:00 a.m.	10:00 a.m. to 2:00 a.m.	6:00 a.m. to 4:00 a.m.
Class A-6	6:00 a.m. to 2:00 a.m.	6:00 a.m. to 3:00 a.m.	10:00 a.m. to 2:00 a.m.	6:00 a.m. to 4:00 a.m.
Class A-7	6:00 a.m. to 2:00 a.m.	6:00 a.m. to 3:00 a.m.	10:00 a.m. to 2:00 a.m.	6:00 a.m. to 4:00 a.m.
Class A-8	6:00 a.m. to 2:00 a.m.	6:00 a.m. to 3:00 a.m.	10:00 a.m. to 2:00 a.m.	6:00 a.m. to 4:00 a.m.
Class B-1	6:00 a.m. to 1:00 a.m.	6:00 a.m. to 3:00 a.m.	10:00 a.m. to 2:00 a.m.	6:00 a.m. to 4:00 a.m.
Class B-2	Set forth on the face of the license			
Class B-3	Set forth on existing license			
Class C-1	9:00 a.m. to 12:00 midnight	9:00 a.m. to 12:00 midnight	9:00 a.m. to 12:00 midnight	9:00 a.m. to 12:00 midnight
Class C-2	9:00 a.m. to 12:00 midnight	9:00 a.m. to 12:00 midnight	9:00 a.m. to 12:00 midnight	9:00 a.m. to 12:00 midnight
Class C-3	9:00 a.m. to 10:00 p.m.	9:00 a.m. to 10:00 p.m.	9:00 a.m. to 10:00 p.m.	9:00 a.m. to 10:00 p.m.
Class C-4	9:00 a.m. to 10:00 p.m.	9:00 a.m. to 10:00 p.m.	9:00 a.m. to 10:00 p.m.	9:00 a.m. to 10:00 p.m.

B. Notwithstanding the hours of operation for consumption on premises or sale of alcoholic liquor as set out in Table 5.04.100, the hours shall be extended by one hour the day before the following holidays: Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

C. No licensee shall permit another except a peace officer who is in the performance of his duties or an employee of the licensee who is actually on duty, to enter or remain upon the licensed premises between the hour of closing and the hour of opening as established by this section.

5.04.120 Age Related Regulations.

A. Except as provided in 235 ILCS 5/6-16 and 235 ILCS 5/6-16.1, it is unlawful for any person under legal age, established by the Liquor Control Act of 1934 (hereinafter “legal age”), to purchase or obtain any alcoholic liquor in any tavern or other place in the village where alcoholic liquor is sold and possess or consume alcoholic liquor within the village boundaries.

B. It is unlawful for any person under the legal age to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any licensed establishment in the village where alcoholic liquor is sold.

C. In every licensed establishment in the village where alcoholic liquor is sold, there shall be displayed at all times in a prominent place a printed card which shall be supplied by the village clerk, and which shall read substantially as follows:

WARNING TO PERSONS UNDER LEGAL AGE

You are subject to a fine if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

D. It is unlawful for any licensee or his or her agent or employee to permit any person under legal age to remain in any room or compartment adjoining or adjacent or situated in the room or place where such licensed premises are located; provided, that this subsection shall not apply to any person under legal age who is accompanied by his or her parent or guardian, or to any licensed premises which derives its principal business from the sale of other commodities or services than alcoholic liquor.

E. It is unlawful for any parent or guardian to permit any person under legal age of which he or she may be the parent or guardian to violate any of the provisions of this section.

F. It is unlawful to sell, give or deliver alcoholic liquor to any person under legal age except in the performance of a religious ceremony or service.

G. It is unlawful for any person under legal age to attend any bar, to draw, pour or mix any alcoholic liquor in any licensed retail premises.

H. No license shall employ upon the premises any person under legal age, to sell or

deliver alcoholic liquor to any person except as follows:

1. Any person employed in the position of a stock person, carry-out person, waiter or waitress or position of similar character;
2. Any person employed in the position as a clerk or cashier, except the underage employee shall not be allowed to sell alcoholic liquor;

I. It is unlawful for any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age, to purchase or accept a gift of alcoholic liquor, or to have alcoholic liquor in his or her possession.

J. If a licensee (or his or her agents or employees) believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient, he or her shall, before making such sale or delivery, demand presentation of some form of identification concerning proof of age, issued by a public officer in the performance of his or her official duties.

K. No person shall:

1. Transfer, alter or deface such an identification card;
2. Use the identification card of another;
3. Carry or use a false or forged identification card; or
4. Obtain an identification card by means of false information.

5.04.130 License Regulations.

A. All licenses issued under this chapter shall be subject to the following regulations:

1. All premises used for the sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption.
2. It is unlawful for any person who is afflicted with or is a carrier of any infectious or contagious disease to handle or be engaged in the care or preparation of any liquor, and it is unlawful for any such person to be employed in or about any premises where liquor is stored, prepared or sold, or to deliver such liquor.
3. Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for any use by the public. This provision shall not prevent any connection between such premises and such other portion of the building or structure which is used only by the

licensee, his family, and personal guests.

4. The licensee shall operate the licensed premises in compliance with every federal, state and local ordinance and law, including but not limited to all Village Ordinances and the Liquor Control Act of 1934 (235 ILCS 5/1-1, *et al*).

5. The licensee shall prevent the violation upon the licensed premises of any federal, state, county or village law or ordinance.

6. The applicant shall not make any misstatements on the applicant's application.

B. Any person, firm or corporation who disobeys, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this section shall be fined pursuant to Section 1.16.010 of this Code, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to fines being imposed the local liquor control commissioner may fine, suspend or revoke any licensee pursuant to the provisions of this Code.

5.04.140 Powers and Duties of Liquor Control Commissioner.

A. The local liquor control commissioner shall be charged with the administration of the provisions of this chapter and of the appropriate provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1, *et al*). The commissioner may appoint a person or persons to assist him or her in the exercise of these powers and responsibilities.

B. In addition to the powers and duties established in other sections of the Chapter and the powers provided for in the Liquor Control Act of 1934 (235 ILCS 5/1-1, *et al*), the local liquor control commissioner shall have the following powers and duties:

1. To suspend for a period not to exceed thirty (30) days or revoke any license if he or she determines that the licensee has violated any of the provisions of the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-1, *et al*) or of any valid ordinance or resolution enacted by the village or any applicable rule or regulations established by the local liquor control commissioner or the State of Illinois Liquor Control Commission. There shall be no refund of the license fee. When any license shall have been revoked for cause, no license shall be granted to the licensee for the period of one year thereafter. In addition to the suspension, the local liquor control commissioner may levy a fine on the licensee for violations. The fine imposed shall not exceed one thousand dollars (\$1,000.00) for a first violation within a twelve-month period, one thousand five hundred dollars (\$1,500.00) for a second violation within a twelve-month period, and two thousand five hundred (\$2,500.00) for a third or subsequent violation within a twelve-month period. Each day on which a violation continues shall constitute a separate violation. Not more than fifteen thousand dollars (\$15,000.00) in fines under this section may be imposed against any licensee during the period of the license. Proceeds from such fines shall be paid into the general corporate fund of municipal treasury, and shall be first allocated to pay or reimburse the expense

incurred in administration and prosecution of violations.

2. To, by issuance of a written order, order any licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period, if the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the health, safety or welfare of the village, except if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.
3. To enter or to authorize any law enforcing officer to enter at any time upon the premises licensed under this chapter to determine whether any of the provisions of this chapter or of the Liquor Control Act of 1934 (235 ILCS 5/1-1, *et al*) or any of the rules or regulations adopted by the State of Illinois Liquor Control Commission have been or are being violated, and at such times to examine the premises of the licensee in connection therewith;
4. To receive complaints from any citizen of the village that any provision of this chapter or the Liquor Control Act of 1934 (235 ILCS 5/1-1, *et al*) has been or is being violated and to act upon such complaint in the manner provided by law;

5.04.150 Accountability of Licensee for Offense.

The licensee may be prosecuted for any offense defined by this chapter if:

1. An agent of the licensee performs conduct which itself constitutes an element of the offense while acting within the scope of his employment and on behalf of the licensee; or
2. The commission of the offense is authorized, requested or commanded by the licensee.

5.04.160 Appeals from Liquor Commission Orders.

Any order or action of the liquor commission may be appealed as authorized by law. In any case where a licensee appeals to the State Liquor Commission from any order or action of the liquor commission such appeals shall be limited to a review of the official record of proceedings held before the liquor commission and as contemplated by State Statute, 235 ILCS 5/7-9; this provision has been adopted for the expressed purpose of requiring that such appeal review be on the record.

5.04.170 Video Gaming.

Premises licensed under this chapter that have been licensed as a Licensed Video Gaming Location by the Illinois Gaming Board which were found to be in violation of the Video Gaming Act (230 ILCS 40/5) shall also be subject to the penalties provided for in this chapter and the Illinois Liquor Control Act (235 ILCS 5/1 *et. seq.*).

Chapter 5.06 TOBACCO DEALERS

5.06.010 Definitions.

“Tobacco products” means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

5.06.020 Permit Required.

A. It is unlawful to sell or offer for sale, at retail, to give away, deliver or to keep with the intention of selling at retail, giving away or delivering tobacco products within the village without having first obtained a tobacco dealer's permit.

B. Application for a permit hereunder shall be made, in writing, to the village clerk and shall be processed in accordance with the provisions of this chapter.

C. The annual fee for a tobacco dealer's permit shall be prescribed by ordinance.

D. Such permits shall be in addition to any other license required by this Code.

5.06.030 Location Restrictions.

It is unlawful for any person to sell, offer for sale, give away or deliver tobacco products within one hundred feet of any school, child care facility or other building used for education or recreational programs for persons under the age of eighteen years.

5.06.040 Prohibitions Regarding Minors.

It is unlawful:

A. For any person, including any licensee, to sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen years.

Signs informing the public of the age restrictions provided for herein shall be posted by every licensee at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

THE SALE OF TOBACCO
PRODUCTS TO PERSONS UNDER
EIGHTEEN YEARS OF AGE IS
PROHIBITED BY LAW.

The text of such signs shall be in red letters on a white background; said letters to be at least one inch high;

B. For any licensee or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under eighteen years of age

to sell tobacco products in any licensed premises;

C. For any person under the age of eighteen years to purchase tobacco products or to misrepresent his identity or age or to use any false or altered identification for the purpose of purchasing tobacco product;

D. For any person under the age of eighteen years to possess any tobacco products; provided, that the possession by a person under the age of eighteen years under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

5.06.050 Certain Free Distributions Prohibited.

It is unlawful for any person in the business of selling or otherwise distributing, promoting or advertising tobacco products, or any employee or agent of any such licensee or person, in the course of such licensee's or person's business, to distribute, give away or deliver tobacco products free of charge to any person on any right-of-way, park, playground or other property owned by the village, any school district, any park district or any public library.

5.06.060 Responsibility of Licensee for Agents and Employees.

Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter by any officer, director, manager or other agent or employee of any permittee shall be deemed and held to be the act of such permittee and such permittee shall be punishable in the same manner as if such act or omission had been done or omitted by the licensee personally.

5.06.070 Administration and Enforcement.

Chapter 5.04 of this Code shall govern the administration and enforcement of this Chapter. The local liquor control commissioner shall have all of the rights and powers over tobacco dealer permittees as he or she has over liquor licensees.

Chapter 5.08 FOOD SERVICE ESTABLISHMENTS AND FOOD SERVICE SANITATION

5.08.010 Definitions.

A. "Food" means and shall be construed to include beverages.

B. "Food service establishment" means and includes every person, firm or corporation engaged in the sale of food or beverage (other than alcoholic liquor) intended for human consumption.

5.08.020 Food Service Establishment Inspections Required.

It is unlawful to operate as a food service establishment without having first obtained a business license pursuant to Chapter 5.02 and having passed the inspections required under this

chapter.

5.08.030 Inspection Fees.

All food service establishments shall pay an inspection fee prescribed by ordinance per inspection as required by the Illinois Department of Public Food Service Sanitation Ordinance, the Cook County Health Department Rules and Regulations, and all other applicable Illinois and Cook County rules and regulations, as adopted and amended from time to time.

5.08.040 Sanitary Regulations.

Premises for the sale or storage of food intended for human consumption must be kept in a clean and sanitary condition. It is unlawful to permit any accumulation of refuse or waste of any kind to remain therein for more than twenty-four hours, and it is unlawful to permit any decaying animal or waste material to remain on such premises.

5.08.050 Employee Regulations.

A. All employees engaged in handling or coming in contact with food intended for sale for human consumption shall keep themselves clean, both as to person and clothing.

B. It is unlawful for any person who is afflicted with or is a carrier of any infectious or contagious disease to handle or be engaged in the care or preparation of any such food, and it is unlawful for any such person to be employed in or about any premises where food is stored, prepared or sold, or to deliver such food.

5.08.060 Unwholesome Food Prohibited.

No person, firm or corporation shall offer for sale, or keep for the purpose of selling or offering for sale, any food of any kind intended for human consumption which is spoiled or tainted, or is unwholesome and unfit for human consumption for any reason.

5.08.070 Flies and Vermin Prohibited.

Premises used for the storage, preparation or sale of food intended for human consumption shall be kept free from flies and vermin and rodents.

5.08.080 Adulteration of Food Prohibited.

It is unlawful to sell or offer for sale, or to keep for such purpose, any food or drink intended for human consumption which has been adulterated by material harmful in any way, or which does not comply with the statutes governing the same.

5.08.090 Intergovernmental Agreements.

The village may enter into intergovernmental agreement(s) to provide sanitary inspection services within the village boundaries and any terms of those agreements shall be considered a part of this code and may be enforced as such by village personnel or any other duly authorized

governmental agency.

5.08.100 Additional Regulations.

A. The issuance, suspension and revocation of business licenses to operate food service establishment, the prohibiting of sale of unsound or mislabeled food or drink, and the enforcement of this chapter shall be regulated in accordance with Food Code (2005 edition), ch. 8, published by the United States Food and Drug Administration; the inspection of food service establishments shall be regulated in accordance with the current and subsequent Illinois Department of Public Health Food Service Sanitation Rules and Regulations.

B. The issuance, suspension, and revocation of business licenses to operate food service establishment; the prohibiting of the sale of unsound or mislabeled food or drink; and the enforcement of this chapter shall be regulated in accordance with this Code concerning the compliance procedures. The inspection of food service establishments shall be regulated in accordance with the Illinois Department of Public Health's rules and regulations.

C. Three certified copies of the Illinois Department of Public Health Food Service Sanitation Rules and Regulations, and the Illinois Department of Public Health Retail Food Store Sanitation Rules and Regulations shall be on file at the office of the village clerk's office.

5.08.110 Food Service Sanitation.

Food service employees shall avoid direct contact (i.e., using bare hands) whenever possible. The preparation of ready-to-eat food must be performed using suitable utensils, such as deli tissue, spatulas, tongs, and single-use gloves. Single-use gloves should be worn at all times, including when using suitable utensils, when preparing ready to eat food. Use of these utensils, including deli tissue, spatulas, tongs or single-use gloves, shall be preceded by thorough hand washing.

5.08.120 Suspension or Revocation of Permit.

The village may suspend or revoke any license issued under this title in accordance with the provisions of this Code.

5.08.130 Inspections.

A. Frequency. An inspection of a food establishment shall be performed twice annually. Additional inspections of the food establishment shall be performed as often as necessary for the enforcement of this chapter.

B. Access. Duly authorized representatives of the village, the Cook County Department of Public Health, or the Illinois Department of Public Health, shall be permitted to enter any food establishment at any reasonable time for the purpose of making inspections to determine compliance with this Code. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used.

C. Report. Whenever an inspection of a food establishment is made, the findings shall be recorded on the inspection report form. The inspection form shall summarize the requirements of this chapter and shall set forth a weighted point value for each requirement. Inspectional remarks should be written to reference, by item number, the item violated and should state the correction to be made. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from one hundred. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

5.08.140 Correction of Violations.

A. The completed inspection report form shall specify a reasonable period of time for the correction of the violations found; and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

1. If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food operations. Operations shall not be resumed until authorized by the Cook County Department of Public Health.
2. All violations of four or five point weighted items shall be corrected as soon as possible, but in any event, within ten days following inspection. A follow-up inspection to confirm correction may be conducted at the discretion of the Cook County Department of Public Health.
3. All one or two point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.
4. When the rating score of the establishment is less than sixty, the establishment shall initiate corrective action on all identified violations within forty-eight hours. One or more re-inspections may be conducted at reasonable time intervals to assure correction.
5. In the case of temporary food establishments, all violations shall be corrected within twenty-four hours. If violations are not corrected within twenty-four hours, the establishment shall immediately cease food operations until authorized to resume by the Cook County Department of Public Health.

B. The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of food operations. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the village within ten days following cessation of operations. If a request for hearing is received, a hearing shall be held within twenty days of receipt of the request.

C. Whenever a food establishment is required under the provisions of this section to cease operations, it shall not resume operations until it is shown on re-inspection that conditions

responsible for the order to cease operations no longer exist. Opportunity for re-inspection shall be offered within a reasonable time.

5.08.150 Examination and Condemnation of Food.

Food may be examined or sampled by the Cook County Department of Public Health as often as necessary for enforcement of this chapter. The Cook County Department of Public Health may, upon written notice to the owner or person in charge, specifying with particularity the reasons therefor, place a hold order on any food which it believes is in violation of Sections 750.100, 750.110, 760.100, or 760.110 of the Illinois Department of Public Health's "Food Service Sanitation Code," ~~or the "Retail Food Store Sanitation Code,"~~ respectively, or any other section of this Chapter or other relevant law or regulation. The Cook County Department of Public Health shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, or moved from the establishment. The Cook County Department of Public Health shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed within ten days and that if no hearing is requested the food shall be destroyed. If a request for hearing is received, the hearing shall be held within twenty days after receipt of the request. On the basis of evidence produced at that hearing, the hold order may be vacated, or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this chapter.

5.08.160 Submission of Plans.

Whenever a food establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the village and the Cook County Department of Public Health for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The village and the Cook County Department of Public Health shall approve the plans and specifications if they meet the requirements of this chapter and the requirements of all other applicable local, state and federal laws. No food establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the village and the Cook County Department of Public Health.

5.08.170 Pre-Operational Inspection.

Whenever plans and specifications required by this chapter to be submitted to the village and the Cook County Department of Public Health, the village and the Cook County Department of Public Health shall inspect the food establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this chapter.

5.08.180 Procedure When Infection is Suspected.

When the Cook County Department of Public Health has reasonable cause to suspect

possible disease transmission by an employee of a food establishment, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The Cook County Department of Public Health may require any or all of the following measures:

A. The immediate exclusion of the employee from employment in food establishments;

B. The immediate closing of the food establishment concerned until, in the opinion of the Cook County Department of Public Health, no further danger of disease outbreak exists;

C. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;

D. Adequate medical and laboratory examination of the employee and of other employees and of their body discharges.

5.08.190 Reinspection Costs.

In the event a reinspection is deemed necessary by the inspector, the cost of any and all subsequent reinspections shall be borne by the holder of the business license.

5.08.200 Inspection Report Form.

Food Service Sanitary Inspection Report

ITEM	Remarks and Recommendations for Corrections	Corrected by

Received by/Title: _____
(Signature of Owner or Representative)

Sanitation Score	_____	(100 Minus Date Demerits)	Date	_____
------------------	-------	---------------------------	------	-------

Time In _____	Time Out _____	By _____ (Sanitarian)
IL 482-0200		Page _____ of _____

5.08.210 Conditional Permit.

When structural, plumbing, electrical, ventilation, or similar such defects exist in an established food facility that may require significant expenditures to correct, but are not

considered to be imminent health hazards, a conditional business license may be granted at the discretion of the village. Under no circumstances will a conditional business license be issued for more than two consecutive twelve-month periods. The purpose of the conditional business license is to allow a reasonable period of time for correction of existing defects.

Chapter 5.10 RAFFLES

5.10.010 Definitions.

For the purposes of this chapter, the terms recited herein shall have the definitions set forth in the Illinois Raffles Act, (the "Act") as now or hereafter amended. (230 ILCS 15/0.01 *et seq.*)

5.10.020 Construction of Chapter.

Nothing in this chapter shall be construed to authorize the conduct or operation of any gambling scheme, enterprise, activity or device other than raffles as provided for in this chapter.

5.10.030 License--Required.

No person, firm or corporation shall conduct a raffle, or sell chances for a raffle, in the village of Lemont without first having obtained a license therefor pursuant to the provisions of this chapter. Such licenses shall be issued pursuant and subject to the provisions of the Act. The fee for such a license shall be prescribed by ordinance.

5.10.040 License--Application.

Application for a raffle license shall be made on forms provided by the village at least fourteen calendar days prior to the sale of raffle chances. Such applications shall contain the following information:

- A. Name and address of the applicant;
- B. The area or areas within the village in which raffle chances, tickets, and the like will be sold or issued;
- C. The time period during which raffle chances will be sold or issued;
- D. The time of determination of winning chances and the location or locations at which winning chances will be determined;
- E. A sworn statement attesting to the not for-profit character of the prospective licensee organization;
- F. A statement that the applicant agrees to comply with all laws of the state of Illinois, the United States, and the village of Lemont in the conduct of the raffle.

Each application shall include a license fee in the amount of five dollars before each application shall be considered complete.

5.10.050 License--Issuance--Denial.

Within fourteen calendar days from the date of an application for a license, the village administrator or his designee shall either issue a license or advise the applicant in writing of the reason for a denial of a license. No such license shall be issued except as authorized under the Act (230 ILCS 15/0.01 et seq.). Provided, the village administrator shall give notice to the mayor and village board not less than forty-eight hours before the license becomes effective. Within such forty-eight hour period, the mayor or any member of the village board may, through notice to the village administrator, cause this issuance to be stayed. In such case the matter will be formally presented to the village board at their next regular board meeting for decision.

5.10.060 License--Restrictions.

- A. Each license is valid for one raffle, only.
- B. The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed seventy-five thousand dollars. Provided, the village council may authorize raffles in excess of seventy-five thousand dollars upon request of the applicant.
- C. The maximum duration during which chances may be issued or sold shall be six months.
- D. Each licensee shall keep records as required under the act (230 ILCS 15/0.01 et seq.)
- E. The conduct of raffles within the village is subject to applicable restrictions and conditions as set forth in the act (230 ILCS 15/0.01 et seq.)

5.10.070 License--Raffle Manager--Bond.

All operation and conduct of raffles shall be under the supervision of a single raffle manager designated by the organization. The raffle manager shall give a fidelity bond in an amount not less than the anticipated gross receipts for the raffle. The bond shall be in favor of the organization and conditioned upon the raffle manager's honesty and the performance of his duties. The terms of the bond shall provide that notice shall be given in writing to the village not less than thirty days prior to its cancellation. The bond requirement may be waived only by unanimous vote of the members of the licensed organization. In such case, the waiver of the fidelity bond shall be stated on the license when issued.

Chapter 5.12 SOLICITATION IN THE PUBLIC WAY

5.12.010 Definitions.

For the purpose of this chapter, the following words, as used in this section, shall be construed to have the meaning herein ascribed thereto:

- A. "Registered solicitor" means and includes any person who has obtained a valid certificate of registration, as provided in this chapter, and which certificate is in the possession of

the solicitor on his or her person while engaged in soliciting.

C. "Soliciting" means and includes any one or more of the following activities:

1. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, or services of any kind, character or description whatever, for any kind of consideration whatever; or
2. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type of publication; or
4. Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project.

5.12.020 License for Solicitation in the Public Right-of-Way.

- A. License Eligibility. The only individuals or entities permitted to apply for and obtain a license for solicitation in the public right-of-way, as provided in this section, are individuals or entities who solicit funds for patriotic, philanthropic, charitable, political or religious purposes.
- B. Application Requirements. Application for a license for solicitation in the public right-of-way shall be upon a form provided by the chief of police, and filed with the police department not later than 10 business days before the date that the solicitation is to begin. The applicant shall truthfully state in full the information requested on the application, as follows:
 1. The name and address of the applicant;
 2. Description sufficient for identification of the subject matter of the solicitation which the applicant will engage in and the purpose for the activity which will include an outline of the methods to be used in conducting the solicitations;
 3. The date or dates and times of day when the solicitation is to occur;
 4. The location or locations where the solicitation is to occur along with a list of 3 alternate locations listed in order of preference;
 5. Proof of a valid liability insurance policy in the amount of at least \$1,000,000 insuring the applicant against bodily injury and property damage arising out of or in connection with the solicitation.
 6. Also, such additional information as the chief of police of the village may deem necessary to process the application.

- C. **Public Safety Restrictions.** The following restrictions apply to solicitation in village rights-of-way:
1. No more than one permit holder may solicit in any one intersection in a village right-of-way at one time.
 2. Reflective vests must be worn at all times.
 3. At least two individuals must be present at all times.
 4. All participants must be at least eighteen (18) years of age.
- D. **Denial of Application.** The chief of police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such license as herein required. Endorsement shall be made by the chief of police, upon the application, of the denial of the application.
- E. **Approval of Application.** The chief of police will approve an application that meets the above requirements within 5 business days after the filing date of the application. The chief of police may, as a condition of approval, impose additional reasonable conditions in writing that are based on articulated public safety concerns.
- F. **Fees.** There is no fee for a license under this section.

Chapter 5.13 DOOR-TO-DOOR SOLICITATION

5.13.010 - Purpose.

- A. The purpose of this chapter is to establish reasonable regulations and restrictions for the practices of peddlers, solicitors and transient merchants involved with soliciting or the sale of goods who may become a nuisance and endanger the safety and welfare of residents of the village, and also to protect the residents of the village against fraud and intrusion into the privacy of their homes.
- B. The provisions of this chapter cover all solicitation that does not occur in the public right-of-way.

5.13.020 - Definitions.

- A. “Charitable Solicitation” means a person seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project, including political or religious organizations.
- B. “Non-Charitable Solicitation” means and includes any one or more of the

following activities:

1. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, or services of any kind, character or description whatever, for any kind of consideration whatever; or
2. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type of publication.

5.13.030 - License Required.

Any person engaging in charitable or non-charitable solicitation outside of the public right-of-way in this village without first obtaining a license, as provided in this chapter, shall be in violation of this chapter.

5.13.040 - Charitable Solicitation.

- A. Before any person may engage in charitable solicitation within the village, he or she must file with the chief of police an application in writing which shall give the following information:
 1. The name and address of the proposed participants. If any solicitors are under eighteen (18) years of age, the names and addresses of all proposed adult supervisors; one adult supervisor per four solicitors under the age of eighteen (18) is required.
 2. The names and addresses of the officers of the organization;
 2. The proposed solicitation activity and the purpose for the activity which will include an outline of the methods to be used in conducting the solicitations;
 3. The length of time for which the permit is desired;
 4. The number of agents or solicitors to be used at the solicitation campaign;
 5. Whether any commissions, fees or wages are to be charged by the solicitor for his efforts and the amount thereof.
- B. Upon the furnishing of the information required in this chapter, the applicant shall be issued, free of charge, a license.

5.13.050 – Non-Charitable Solicitation.

- A. Before any person may engage in non-charitable solicitation within the village, he or she must file with the chief of police an application in writing that gives the following information:
1. Name, date of birth and social security numbers for the business owner and all employees working in the village;
 2. Physical description of business owner and all employees working in the village;
 3. Permanent and local address of the business;
 4. A recent photograph of the owner and employees working in the village;
 5. A brief description of the nature of the applicant's business;
 6. Name and address of the firm for or on whose behalf the orders are solicited, or the supplier of the goods offered for sale;
 7. The address of the last three places of such business;
 8. Length of time to be sought to be covered by the license;
 9. Motor vehicle makes, models, year, color and license number if a vehicle is to be used in the proposed solicitation;
 10. A statement as to whether the owner and employees have been convicted of any crime, other than a simple misdemeanor, and if so, the nature of the offense and the penalty imposed;
- B. **Bond Required.** Before a license is issued pursuant to this section, an applicant shall post a bond, by a surety company authorized to engage in the business of insuring the fidelity of others in the State, in the amount of one thousand dollars (\$1,000.00) with the chief of police to the effect that the registrant and the surety shall consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary:
1. To indemnify the village for any penalties or costs occasioned by the enforcement of this chapter; and
 2. To make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with such registrant's peddling or solicitation. The bond shall not be retired until after a lapse of one year from the expiration of the license which it covers.
- C. **License Fee.** The following license fees, as provided for by ordinance, shall be paid to the clerk prior to the issuance of any license

- D. Background Investigation. The applicant must submit to a background investigation by the chief of police or his or her designee, which may include the need for fingerprinting of all individuals who will be soliciting within the village. No license shall be issued in the event the criminal history of any individual who will be soliciting within the village has been convicted of a felony involving public indecency or drug distribution related offenses.
- E. Approval of Application. If the chief of police finds the application is completed in conformance with this section and the facts stated therein are found to be correct, a license shall be issued to the applicant.

5.13.060 - License Display.

Each solicitor shall at all times while doing business in this village keep in his or her possession the license provided under this chapter, and shall, upon the request of a resident, exhibit the license as evidence that he or she has complied with all requirements of this chapter.

5.13.070 - License Transferability.

Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person(s) filing the application.

5.13.080 - Prohibited Solicitation Periods.

It is unlawful and shall constitute a nuisance for any person, whether registered under this chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof, and engage in soliciting of any kind as defined in this chapter, prior to nine a.m. or after nine p.m. of any weekday, or at any time on a Sunday or on a state or national holiday.

5.13.090 - Obstructions of Pedestrian or Vehicular Traffic Unlawful.

No person, while engaged in any form of solicitation, shall block or obstruct the path of any pedestrian or vehicular traffic, or block or obstruct any way of ingress or egress to roads, buildings, vehicles or other enclosures or conveyances.

5.13.100 Revocation Conditions.

A. Any certificate of registration issued under this chapter shall be revoked by the chief of police if the holder of the certificate is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given by the chief of police to the holder of the certificate, in person or by certified U.S. mail, addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the certificate of

registration shall become null and void.

5.13.110 Village Policy on Soliciting.

It is declared to be the policy of the governing body of this municipality that the occupant or occupants of the residences in this municipality shall make the determination of whether solicitors shall be or shall not be invited to their respective residences. If no determination is made, as is provided for in Section 5.12.090 of this chapter, then in that event, solicitation at that residence is permitted.

5.13.120 No-Soliciting Notice Requirements.

Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this chapter shall comply with the following directions.

A. Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence, shall be given in the manner following. A weatherproof card, approximately three inches by four inches in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

**ONLY SOLICITORS
REGISTERED IN LEMONT,
INVITED**

or

NO SOLICITORS INVITED

The letters shall be at least one-third inch in height. For the purpose of uniformity, the cards shall be provided by the chief of police to persons requesting, at the cost thereof.

B. Such card, so exhibited, shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

5.13.130 Duties of Solicitors.

It shall be the duty of every solicitor, upon going onto any premises in the municipality upon which a residence, as defined in this chapter, is located, to first examine the notice provided for in Section 5.12.080, if any is attached, and be governed by the statement contained on the notice. If the notice states "Only Solicitors Registered in Lemont, Invited," then the solicitor not possessing a valid certificate of registration as provided in this chapter shall immediately and peacefully depart from the premises; and if the notice states "No Solicitors Invited," then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

5.13.140 Uninvited Soliciting Prohibited.

It is unlawful and shall constitute a nuisance for any person to go upon any premises and

ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof, and engage in soliciting as defined in this chapter, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 5.12.080 of this chapter.

Chapter 5.14 TAXICABS

5.14.010 Taxicab Defined.

"Taxicab," as used in this chapter, means and includes any vehicle used to carry passengers for hire but not operating on a fixed route.

5.14.020 License--Required--Application.

It is unlawful to engage in the business of operating a taxicab in the municipality without first having secured a license therefor. Applications for such licenses shall be made in writing to the village clerk and shall state thereon the name of the applicant, the intended place of business, and the number of taxicabs to be operated. If the applicant is a corporation, the names and addresses of the president and secretary thereof shall be given.

5.14.030 License--Fee--Identification Tags.

A. The annual fee for each taxicab operated shall be prescribed by ordinance. Whenever the number of taxicabs so operated shall be increased during the license year, the licensee shall notify the clerk of such changes, and shall pay the additional fee. Such taxicab license fee shall be in addition to any other license or permit required by this code.

B. Such fee shall not be in lieu of any other vehicle fee required by ordinance. The village clerk shall issue suitable tags or stickers for the number of taxicabs covered by each license. Such tag or sticker shall be displayed in a prominent place on each taxicab while it is in use, and may be transferred to any taxicab put into service to replace one withdrawn from service upon payment of an additional fee of one dollar for each transfer.

C. The licensee shall notify the clerk of the motor number and state license number of each taxicab operated, and of the corresponding municipal tag or sticker number.

5.14.040 License--Applicant Qualifications.

No license shall be issued to any person who is not competent to operate a motor vehicle or who is not familiar with the traffic laws and ordinances. The Chief of Police shall examine each applicant for a taxicab driver's license to determine the competency of the applicant, and no such license shall be issued except on certificate of the chief that the applicant has demonstrated his ability to operate a motor vehicle as required herein. No license shall be issued if the applicant has been convicted of a misdemeanor or felony relating directly to the job of taxicab driver, including but not limited to, vehicular homicide or robbery.

5.14.050 Vehicle Licensing and Equipment.

A. No taxicab shall be operated unless it bears a state license duly issued, and no such taxicab shall be operated unless it is equipped with proper brakes, lights, meter, tires, horn, rear vision mirror, and windshield wipers in good condition.

B. Each taxicab, while operated, shall have on each side, in letters readable from a distance of twenty feet, the name of the licensee operating it. If more than one taxicab is operated by the licensee, each taxicab shall be designated by a different number, and such number shall also appear on each side of such taxicab.

5.14.060 Insurance Required.

No taxicab license shall be issued or continue to be in effect unless there is in full force and effect liability insurance in the amount of at least \$350,000 combined single limit coverage per occurrence. The insurance policy required herein shall mean an owner's policy or operator's policy of liability insurance issued by an insurance carrier duly authorized to transact business in the State of Illinois.

All insurance policies required by this section, together with any rider or endorsement, shall be filed with the Chief of Police or authorized designee as part of the application, and shall not be subject to cancellation except on 30 days notice to the Chief of Police. If any insurance is canceled or permitted to lapse for any reason, the Chief of Police shall suspend the licenses for the vehicles affected for a period not to exceed 30 days, to permit other insurance to be supplied in compliance with the provisions of this section. If any such other insurance is not supplied within the period of suspension of the license, the Chief of Police shall revoke the licenses for such vehicles.

5.14.070 Driver Conduct.

It is unlawful for any driver of a taxicab, while on duty, to drink any intoxicating liquor or have any alcoholic liquor in his taxicab, except liquor in the possession of his passengers, or to use any language reasonably foreseeable to provoke an immediate breach of the peace, to shout or call to prospective passengers, or to disturb the peace in any way.

5.14.080 Passenger Service Rules.

A. It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to so use the taxicab, provided such person is not intoxicated and conducts himself or herself in an orderly manner.

B. No person shall be admitted to a taxicab occupied by a passenger without the consent of the passenger.

5.14.090 Rates and Payment of Fares.

A. It is unlawful for a passenger to fail or refuse to pay the lawful fare at the termination of a trip. Such rates shall be thirty-five cents for the first one-half mile and an

additional fifteen cents for each additional one-third mile traveled.

B. No extra charge shall be made for baggage or parcels the size of which permits them to be carried in the taxicab.

5.14.100 Taxicab Stands.

A. Any location on the public street designated as such by the village mayor and board of trustees is hereby designated as a taxicab stand.

B. Each taxicab stand shall be appropriately marked by signs erected under the supervision of the Chief of Police. It is unlawful to park any vehicle other than a licensed taxicab in any taxicab stand.

C. A licensed taxicab may be parked in any taxicab stand while such taxicab is in the charge of its driver on duty awaiting a fare.

5.14.110 Unlawful Uses of Taxicabs.

It shall be unlawful to knowingly permit any taxicab to be used in the perpetration of a crime or misdemeanor.

5.14.120 Driver License Revocation Conditions.

The Mayor may revoke any taxicab driver's license for repeated violations of traffic laws or ordinances, or of any ordinance provisions regulating the conduct of such driver, in accordance with Section 5.02 of this Chapter.

Chapter 5.16 PERMITS REQUIRED FOR CERTAIN OCCUPATIONS

5.16.010 Operators of Amusements, Special Events.

A. An "Amusement" or "Special Event" includes, but is not limited to, public shows, festivals, concerts, carnivals, arts and craft shows, firework displays, sporting events, parades, theatricals and circuses.

B. Permit Required for Carnival and Amusement Rides. No carnival or amusement as defined in the Illinois Carnival and Amusement Rides Safety Act (430 ILCS 85/2-1 et seq.) shall be allowed to operate in the village without the issuance of a village permit. Application for such permit shall be made to the Planning and Economic Development Department. The permit application for Carnival and Amusement Rides shall include the following:

1. Departmental review by Planning and Economic Development, Building Department, police, health department and Lemont Fire Protection District;
2. Location must provide for adequate restroom facilities, parking and cleanup as to not burden other businesses and the general public;

3. Evidence of insurance as required by the Illinois Carnival and Amusement Rides Safety Act (430 ILCS 85/2-1 et seq.);
4. Cash deposit to reimburse the village to pay reasonable costs of departmental review and additional police salaries, if required. The cash deposit shall be established by the Planning and Economic Development Director and based upon a fair and reasonable estimate of costs.

C. Permit Required. For all special events not covered under subparagraph (B), it is unlawful to conduct or operate any special event without first having secured a permit therefor. The fee for a special event permit shall be provided for by ordinance. The application for a special event permit must be submitted to the village for review no later than thirty (30) days in advance of the event or it will be subject to an expedited review fee as provided for by ordinance.

This permit shall not be required for a business that continually operates within the village, that already has a general business license under this chapter and that is in the amusement business, such as a movie theater, golf course, baseball field, etc.

D. Permit Denial. If a reviewing department determine that the special event poses significant safety concerns, then the application may be denied. In such an instance, the Planning and Economic Development Department will inform the applicant of the basis for the safety concerns.

E. Police Presence. Sufficient members of the police department shall be admitted free of charge to all amusements and special events for the purpose of preserving and maintaining order.

F. Street show limitations. No permit shall be granted or given for any carnival, exhibition, show or other amusement to be given on any public street or sidewalk, or in such place that the only main accommodation for the public or the audience will be a public place, except expressly authorized by the Village Administrator. Such an order shall be issued only upon a showing that public safety will not be endangered.

G. Premises conditions. It is unlawful to operate or permit the operation of any amusement unless the premises in which such amusement is operated or permitted to be operated conforms with all the provisions or requirements in this Code relating to public buildings and public gatherings.

H. Overcrowding prohibited. The audience of any amusement, show or theatrical must be orderly at all times, and it is unlawful for any person attending such amusement, show or theatrical to create a disturbance in the audience. It is unlawful to permit or gather such a crowd to witness any amusement or show as to create a dangerous condition because of fire or other risks.

I. Riots and disturbances prohibited. It is unlawful to present any public amusement or show of any kind if it is reasonably foreseeable that it will cause or promote any riot or breach of the peace.

J. Village Expenses. A special event permittee is liable to the village for any and all expenses the village incurs in providing services for the special event, including police or public works services.

5.16.020 Food Delivery Vehicles.

A. Permit Required. No food delivery vehicle, where food is stored and served directly from the vehicle, shall be allowed to operate in the village without the issuance of a village permit. Application for such permit shall be made to the Planning and Economic Development Department. The annual fee for this permit shall be per vehicle as provided by ordinance.

B. Exception. No permit shall be required for any vehicle used to deliver foodstuffs from any establishment which is licensed and inspected as a food establishment in the village, but the provisions of subparagraph C shall be complied with in connection with such vehicles.

C. Sanitation and operation of vehicles. All food delivery vehicles shall be kept in a clean and sanitary condition, and shall be thoroughly cleaned each day they are so used. It is unlawful to permit stale food, decaying matter, or any other waste material or product to accumulate in or on any such vehicle while it is so used. If unwrapped foodstuffs are transported in any such vehicle, such goods shall be carried in a portion or compartment of the vehicle which is screened and protected against dust and insects.

5.16.030 Coin-Operated Amusement Devices.

A. Definitions.

1. "Accessory and subordinate use" means that the premises where the coin-operated amusement devices are located shall have a distinct and primary business purpose, and that the coin-operated amusement devices shall occupy no more than thirty percent of the retail area of the establishment.
2. "Amusement device arcade" means an establishment exclusively or primarily devoted to the use of more than ten coin-operated amusement devices.
3. "Authorized licensed business" means a business which qualifies for a business license, whether or not such business license has been issued at the time of application for a permit for a coin-operated amusement device.

B. Permit or License Required. No person, firm or corporation shall place or install, or maintain or operate in any building or place within the village, any coin-operated amusement devices, including coin-controlled mechanical musical devices, for use by the public, and for which a fee is charged, without first having obtained a license for each place or location where such mechanical coin-controlled amusement device shall be installed, maintained or operated. No permit for a coin-operated amusement device shall be issued except as an accessory and subordinate use to an authorized licensed business located in zoning district in which such use is permitted, except that permits also may be issued to operators of amusement device arcades under the terms of special use authorizing such amusement device arcades.

C. Fees. The annual permit fee upon each coin-operated amusement device shall be provided by ordinance:

D. Amusement device arcade conditions. An adult manager shall be required on the premises of an amusement device arcade at all times the arcade is open for business.

E. This chapter shall not restrict the use of Video Gaming Terminals permitted under the Illinois Video Gaming Act (230 ILCS 40/1 et. seq.)

5.16.040 Junk Dealers.

A. Definition. A “junk dealer” shall refer to a person who engages in the business of buying, selling, bartering or exchanging junk, or who collects, receives, stores, or holds in possession for sale, barter or exchange, any junk. The term “junk” shall refer to old iron, chain, brass, copper, tin, lead, or other base metals, old rope, old bags, wastepaper, paper clippings, wool scraps, rubber, rags, glass, empty bottles of different kinds and sizes when the number of each kind or size is less than one gross, and all articles and things discarded no longer a manufactured article..

B. Permit Required. No junk dealer shall be allowed to operate in the village without the issuance of a village permit. Application for such permit shall be made to the Planning and Economic Development Department. The annual fee for this permit shall be as provided for by ordinance.

C. Vehicle identification. Every vehicle used by a junk dealer in the conduct of the business shall bear thereon in legible characters the name and address of the owner and proprietor thereof.

D. Access to goods for police inspection. Every keeper of a junk shop who shall receive or be in possession of any goods, article or thing of value which may have been lost or stolen shall, upon demand, produce such articles or things to any member of the village police department or any other law enforcement agency for examination.

E. Inspection by Building Commissioner. A junk dealer shall permit the village’s Building Commissioner, or his designee, to inspect its place of business to ensure compliance with all federal, state and local laws.

5.16.050 Landscape Waste Haulers.

A. Registration Required. No person or entity in the landscape maintenance business or in the business of generating landscape waste as defined in the Environmental Protection Act shall be allowed to operate in the village without registration. Application for registration shall be made to the Building Commissioner. There shall be no fee associated with this registration.

B. Exemptions. This section does not apply to any person acting within the scope of his or her employment with the village, any person acting within the scope of his or her employment with a public utility, or any person who is an “applicator for hire” as defined in the Lawn Care Products Application and Notice Act.

5.16.060 Bed and Breakfast Establishments.

A. Definitions.

1. "Bed and breakfast establishment" shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than 5 guest rooms for rent, in operation for more than 10 nights in a 12 month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments.
2. "Operator" shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required by this Act to reside in the bed and breakfast establishment, or on contiguous property.
3. "Guest room" shall mean a sleeping room intended to serve no more than 2 transient guests per night.

B. Permit Required. No bed and breakfast establishment shall be allowed to operate in the village without the issuance of a village permit. Application for such permit shall be made to the Planning and Economic Development Department. The annual fee for this permit shall be as provided for by ordinance.

C. Insurance Required. No permit shall be issued to an operator until the operator provides proof of liability insurance in the amount of _____. All insurance must be placed in financially responsible companies that are authorized under the insurance laws of Illinois to do business in the state of Illinois. Insurance coverage shall be verified with a certificate from the contractor's insuring agent and list the village as a certificate holder.

D. Compliance with the Bed and Breakfast Act. Operators shall comply with the provisions of the Bed and Breakfast Act (50 ILCS 820/3) at all times.

5.16.070 Hotels.

A. Definitions.

1. "Hotel" means any building or buildings in which travelers or tourists may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes inns, motels, tourist homes or courts and lodging houses.
2. "Operator" means any person operating a hotel.

B. Permit Required. No hotel shall be allowed to operate in the village without the issuance of a village permit. Application for such permit shall be made to the Planning and Economic Development Department. The annual fee for this permit shall be as provided for by ordinance.

C. Insurance Required. No permit shall be issued to an operator until the operator

provides proof of liability insurance in the amount of _____. All insurance must be placed in financially responsible companies that are authorized under the insurance laws of Illinois to do business in the State of Illinois. Insurance coverage shall be verified with a certificate from the contractor's insuring agent and list the village as a certificate holder.

5.16.080 Solid Waste and Recycling Collection Service.

A. In pursuance of the public health, safety and welfare, and to better enable the village to regulate and control the services provided to the users of solid waste services, the village may, by procurement of one or more contracts with qualified contractors, provide for a franchise for the collection and disposal of solid waste, landscape waste and recyclables for single-family residential dwellings, two-family residential dwellings and all multifamily residential dwellings of up to four (4) units.

B. It is unlawful for any person or entity to engage in the business of collection, transportation or disposing of solid waste, landscape waste and recyclables from any single-family residential dwellings, two-family residential dwellings and all multifamily residential dwellings of up to four (4) units within the village without first having obtained a franchise from the village.

C. It is unlawful for any person or entity to engage in the business of collection, transportation or disposing of solid waste, landscape waste and recyclables from any commercial, industrial or institutional building or property within the village without first having obtained a permit from the village and a business license from the village, as provided in Chapter 5.02 of this Code.

D. In addition to the requirements provided for in this Section, any person or entity engaging in the business of collection, transportation or disposing of solid waste, from any commercial, industrial, institutional, single-family, two-family or multifamily dwellings, building or property within the village shall comply with all other federal, state and local laws, including Title 8 of this Code.

5.16.090 Consignment Stores.

A. Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Permit. Village of Lemont's Secondhand Store Permit.

Consignment Stores. Every individual or business entity which deals in the purchase of such property on the condition of selling the property back again at a stipulated price, shall be held and is hereby declared and defined to be a secondhand store.

B. Permit Required. No individual or business entity shall engage in the business of a secondhand store within the Village without a permit. No permit issued under the provisions of this section shall be transferable.

C. Application; Application Fee. Application for a permit within the Village shall be made in writing to the clerk on a form provided by the clerk for that purpose and must state thereon the following information:

1. The name of applicant.
2. The permanent business address of the applicant.
3. The permanent business telephone number of the applicant.
4. In the case of a firm, limited liability company, or corporation, the names, permanent residence addresses, and permanent residence telephone numbers of the partners or officers and all shareholders owning more than five percent (5%) of the outstanding shares of stock. If a listed shareholder is a firm, limited liability company, or corporation, the above information shall be provided for that entity and other such entities in the line of ownership.
5. The location of the property for which the permit is requested.
6. Whether the applicant, partners, officers, or listed shareholders have been convicted of any criminal offense in any jurisdiction and, if so, a list of such convictions with the date and prosecuting jurisdiction.
7. Any other information deemed required and pertinent by the clerk.

Each application for a permit to do business as a secondhand store within the Village from an applicant who at the time of application does not hold a valid permit to do business as a secondhand store within the Village shall be accompanied by an applicant fee as prescribed by ordinance. This application fee shall be in addition to all other fees set forth in this ordinance and shall not be refunded in the event that the application for a permit to do business as a secondhand store within the Village is denied.

D. Permit; Permit Fee. All permits to do business as a secondhand store within the Village granted under this section shall be effective from May 1 or from the date of issuance, whichever is later, and shall terminate on April 30. No permit to do business as a secondhand store within the Village shall be issued until the applicant shall pay to the Village a permit fee as prescribed by ordinance.

E. Maintenance of Records. Except for items purchased from dealers possessing a federal employee identification number who have provided a receipt to the permittee, every permittee shall keep a book in which there shall be typed or printed in ink, which may include a computer printout, in the English language, containing the following information for all goods, articles and other things purchased for the purpose of resale by the permittee:

1. an accurate account and description of the second-hand article including, the serial number and/or identification number of the items received which bear such number(s);
2. the date and time the article was received;

3. name and residence of the person selling the second-hand article;

No entry in such book shall be erased, mutilated or changed. Every permittee shall require one form of photographic identification by each person selling any goods, articles or other things to the permittee. The form of identification must be photographic identification issued by a federal, state or local governmental entity. Forms of identification must contain a photograph of the individual and must be: a state driver's permit, a state identification card, a passport, or a military identification card. Required forms of identification shall be copied and maintained for all transactions completed by permittees for a period of three years following each transaction.

If the person selling any goods, articles or other things to the permittee does not have a photographic identification card issued by a federal, state or local governmental entity, the permittee shall photograph the person and require two forms of identification, one of which shall contain both the person's name and residential address. The photograph shall be in color. On the reverse side of the photograph the permittee shall record the person's name, residence address, date of birth, social security number, gender, height and weight. If the person has no social security number, the permittee shall record this fact.

F. Report to Police. It shall be the duty of every permittee to make out and deliver to a designated email account or facsimile designated by the Chief of Police, before the hour of 12:00 p.m. noon, a legible and exact copy from the books required by this section of all personal property and other valuable thing purchased during the preceding day. It shall be the duty of every permittee to immediately report to the Chief of Police, or his designee, any article sought to be sold to the permittee, if it is reasonably believed that the said article was stolen or lost and found by the person attempting to sell the said article.

G. Inspection of Records. The book, the photographs required under this section and all goods, articles and other things purchased shall at all times during the permittee's business hours be open to the inspection of any member of the Village's Police Department.

H. Removal of Identifying Marks Prohibited. No permittee shall remove, alter or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property that was purchased. In addition, an item shall not be purchased where the manufacturer's make, model, or serial number, personal identification number or identifying marks engraved or etched upon an item of personal property has been removed, altered or obliterated.

I. Prohibited Purchases. No permittee shall purchase any property from a minor, or the ownership of which is in, or which is claimed by, any minor, or which may be in the possession or under the control of any minor. No permittee shall purchase from any person appearing to be intoxicated or under the influence of any drug, nor from any person known to be a thief or to have been convicted of theft or burglary, and when any person is found to be the owner of stolen property which has been bought, the property shall be returned to the owner thereof without the payment of the costs or charges of any kind which the permittee may have placed upon the same.

J. Hold Order.

1. For the purposes of this Section, "hold order" means a written legal instrument issued to a permittee by any member of the Village of Lemont Police Department ("Department"), ordering the permittee to retain physical possession of property purchased by and in the possession of the permittee and not to return, sell, or otherwise dispose of such property as such property is believed to be misappropriated goods.
2. Upon written notice from the Department indicating that property in the possession of a permittee and subject to a hold order is needed for the purpose of furthering a criminal investigation and prosecution, the permittee shall release the property subject to the hold order to the custody of the Department for such purpose and the Department shall provide a written acknowledgment that the property has been released to the Department. The release of the property to the custody of the Department shall not be considered a waiver or release of the permittee's property rights or interest in the property. Upon completion of the criminal investigation, the property shall be returned to the permittee who consented to its release; except that, if the Department has not completed the criminal investigation within 120 days after its release, the Department shall immediately return the property to the permittee or obtain and furnish to the permittee a warrant for the continued custody of the property.
3. The permittee shall not release or dispose of the property except pursuant to a court order or the expiration of the holding period of the hold order, including all extensions.
4. In cases where criminal charges have been filed and the property may be needed as evidence, the prosecuting attorney shall notify the permittee in writing. The notice shall contain the case number, the style of the case, and a description of the property. The permittee shall hold such property until receiving notice of the disposition of the case from the prosecuting attorney. The prosecuting attorney shall notify the permittee and claimant in writing within 15 days after the disposition of the case.

K. Violation; Penalties. Every act or omission constituting a violation of any provision of this section by any officer, director, manager, agent or employee of any permittee shall be deemed and held to be the act of such employer or permittee and the employer or permittee shall be punishable in the same manner as if such act or omission had been committed or omitted by him or her personally. Any permittee violating any of the provisions of this section shall be deemed guilty of a business offense and upon conviction thereof shall be fined in an amount not exceeding seven hundred fifty dollars (\$750.00). Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Chapter 5.18 CONTRACTORS

5.18.010 Definitions.

The following terms used in this chapter have the following meanings unless the context otherwise requires:

A. "Contractor" means any person engaged in the business of constructing, altering or repairing buildings or other structures or sidewalks or street pavements, including but not limited to: carpentry contractors; cement or concrete contractors; dry wall contractors; electrical contractors, fencing contractors; garage contractors; general contractors; heating, air conditioning and refrigeration contractors; landscape contractors; masonry contractors; paving contractors; plastering contractors; porch and deck contractors; sewer and drain layers; sheet metal contractors; siding contractors; swimming pool contractors; window contractors; and wrecking contractors.

B. "Homeowner," as used in this chapter, shall be understood to mean any person who owns a single-family residence and has lived in that residence for a period longer than six months.

5.18.020 License--Required.

A. It is unlawful to engage in business as a contractor within the village without first having obtained a contractor license, as hereinafter provided.

B. For every construction permit issued, the general contractor and all subcontractors on the job shall be licensed with the village and pay the license fee as provided in this chapter. All contractors must provide proof insurance and bond as provided in this chapter.

C. Exceptions include:

1. Any homeowner as defined in this chapter shall not be required to obtain a contractor's license for doing work on his or her own residence. With the exception of new construction projects where as the homeowner will be required to adhere to all requirements as a general contractor.

2. All plumbing contractors are required to submit a copy of their Illinois Department of Public Health Contractor's Registration and a copy of their plumbing license.

5.18.030 License--Term.

The village clerk shall issue a license upon proper application and compliance with this chapter. All contractor's licenses shall expire on December 31st of each year.

5.18.040 License--Fees.

A. The annual fee for such license shall be as provide for by ordinance.

B. Any contractor who already has a business license for an office located within the

village shall be required to pay the difference in fees in order to obtain a contractor's license.

C. Where a contractor is engaged exclusively in work under the Cook County Community Development Block Grant program via the village or an approved agency, no license fees shall be required. If the contractor shall be engaged in work other than the Cook County Block Grant program during the term of their license, then normal fees shall be required to be paid as noted in this section.

5.18.050 Bond.

Prior to the issuance of a contractor's license, the applicant shall submit a license and permit bond to the village in the penal sum of twenty-five thousand dollars; for electrical contractors, ten thousand dollars as security for the applicant's full and complete performance in accordance with his or her village permit and applicable codes and ordinances of the village. Such bond is to expire December 31st of that year.

5.18.060 Contractor insurance.

A. Contractors must maintain sufficient insurance to protect the interests of the property owner and the community during the work. All insurance must be placed in financially responsible companies that are authorized under the insurance laws of Illinois to do business in the state of Illinois. Minimum coverage should include the following types of insurance in the following amounts:

1. Worker's compensation and employee's liability: not less than one hundred thousand dollars per person;
2. Comprehensive public liability: not less than two hundred fifty thousand dollars for injuries, including accidental death to any person, and subject to the same limits for each person, in an amount of any one accident;
3. Property damage: not less than one hundred thousand dollars for damage to property in any one accident with an aggregate limit of not less than three hundred thousand dollars.

B. Insurance coverage should be verified with a certificate from the contractor's insuring agent and list the village as a certificate holder.

5.18.070 Fine, Suspension and Revocation.

A contractor violating any of the provisions of this code shall be subject to a monetary fine as provided for under Chapter 1.16 of this code. A contractor's license may be revoked by the village in the manner provided for under Section 5.02.070 of this code.

5.18.080 Compliance with Building Regulations.

It shall be the duty of all building contractors to comply with all ordinances relating to the construction of buildings or other structures, to the construction of streets or sidewalk

pavements, and all laws or ordinances pertaining to or regulating the activities engaged in.

Chapter 5.20 SIDEWALK DISPLAYS

5.20.010 Sidewalk Display Regulations.

All sidewalk displays must comply with the provisions of this code, Title 17 of this Code, and all other applicable local, state and federal codes. Only licensed businesses owning or leasing property immediately adjacent to the sidewalk shall be allowed to have a sidewalk display.

5.20.020 Regulations.

All sidewalk displays shall be subject to the following regulations:

A. The sidewalk display shall be compatible with the surrounding streetscape and the building it serves.

B. The sidewalk shall be kept clean and free of refuse and clutter at all times by the permit holder regardless of the source of such refuse and clutter, including but not limited to overflowing trash receptacles (private and public), cigarette, and paper refuse.

C. All items shall be removed from the sidewalk and placed indoors at the end of each business day.

D. All public improvements on the sidewalk including, but not limited to benches, light poles, and trees shall be maintained in the condition in which they existed immediately prior to the issuance of the permit, excluding normal wear and tear. The licensed business placing the sidewalk display shall immediately report any damage to the village. The village shall replace or repair such improvement at its discretion and shall charge the cost of such replacement or repair to the business unless the damage can be clearly shown to have resulted from a cause not related to the use of the sidewalk display. It is entirely the business' responsibility and obligation to provide any such evidence that the aforesaid damage resulted from a cause not related to the use of the sidewalk display.

E. Placement of the sidewalk display shall be in a manner that does not interfere with pedestrians, parking, or traffic.

F. The area and display materials must be maintained in good condition at all times.

5.20.030 Restrictions.

A. Items shall be placed so that a five-foot wide unobstructed pedestrian walkway is maintained at all times. The walkway shall be located so as to be parallel to the curb line, and include an unobstructed five-foot path measured from the curb. If such a five-foot unobstructed pedestrian walkway cannot be maintained, no sidewalk display shall be allowed for that establishment.

B. A five-foot clear zone shall be maintained at corner locations of two public sidewalks. No item shall be placed within five feet of the corner of the building on either side. This "clear zone" shall be defined as a space measured five feet from the corner of a building on both sides facing the sidewalk, so that the corner of the building is entirely free from obstruction.

C. Items shall be immediately adjacent to the building and shall not extend beyond the business's property on any side or exceed a total length of twenty-five feet.

D. Sidewalk displays must comply with all provisions of the applicable Village Codes . No festoon lighting, flashing lights or other attention-getting device will be permitted at any time.

E. Items shall not obstruct normal ingress and egress from the business or other businesses.

F. Items shall not be of a nature so as to create a wind-blown hazard.

G. Displays shall not contain hazardous materials, products that contain gasoline and/or oil, or items that can cause damage to the sidewalk.

H. Display items of an establishment may, at the discretion of the director of Planning and Economic Development, be required to be removed at certain times during when placement of the sidewalk display may potentially cause a public health, safety and welfare concern due to the volume of pedestrian traffic and other uses on the public sidewalks.

I. Amplified music, and music speakers shall be prohibited from the area.

5.20.040 Enforcement and Revocation.

A. A failure to comply with the provisions of this chapter may result in a fine as specified in Sections 1.16.010 of this Code.

B. In the event that the business fails to maintain the sidewalk display in compliance with this chapter, the village may arrange to undertake such work and bill the business for the work. This work may include repair, relocation, or removal of any item so as to conform with the provisions of this chapter.

C. The enforcement of all other sections of this chapter including, but not limited to, the maintenance provisions and restrictions shall be the responsibility of the business.

D. The village, upon determining that the method or manner of use or conduct of persons using such displays pose a threat to public health, safety or welfare, shall have the power and authority to cause the items to be removed immediately and to revoke future sidewalk displays.

Chapter 5.22 OUTDOOR DINING / SIDEWALK CAFÉS

5.22.010 License Required.

No person, partnership, firm, corporation or entity shall operate any sidewalk café and outdoor dining or drinking area within the Village without a license for the same having first been issued by the Village.

5.22.020 Definitions.

A. “Sidewalk café” means the use of any part of any public sidewalk or public property within the Village by any licensed drinking or eating establishment as a seating area where the service of food or beverage is provided.

B. “Outdoor dining or drinking area” means an area used for the sale, service, or consumption of food or beverages that is located outdoors, on private property, of any type of eating or drinking establishment and which is either partially or wholly outside the walls of a building, with or without a solid roof cover.

5.22.030 Eligibility of Sidewalk Café and/or Outdoor Dining or Drinking Area License.

Licenses for sidewalk cafés and outdoor dining and drinking areas:

- A. shall be required, in addition to any annual business and liquor license requirements of the Village; and
- B. shall be approved only for properly licensed drinking establishments, authorizing the on premises consumption of liquor, located in B-1, B-3, B-4, or DD zoning districts; and
- C. shall be neither transferable nor assignable; and
- D. shall be renewable annually, and valid for the period beginning April 1 through November 1 of each year.

Should the operation of the eating or drinking establishment or the operation of the sidewalk café or outdoor dining and drinking area cease, there shall be no refund of the license fee provided to the licensee.

5.22.040 Application for License.

Any operator or owner of an eating or drinking establishment desiring to establish or operate a sidewalk café or outdoor dining and drinking area shall prepare and file an application with the Planning and Economic Development Department. This application shall contain the following information:

- A. Address and contact information for the subject eating or drinking establishment.
- B. A copy of a valid annual business license and liquor license.

- C. The types of food and/or beverages to be sold, served, or consumed at the sidewalk café and/or outdoor dining and drinking area.
- D. The proposed hours of operation of the sidewalk café and/or outdoor dining and drinking area.
- E. A site plan showing depicting the sidewalk café and/or outdoor drinking and dining area which shall include:
 - 1. a seating plan which depicts the locations and all seating, tables, furnishings, barricades, and routes of passage through the dining area and along any adjacent sidewalks or plazas, and
 - 2. setbacks for the zoning district where the use is located shall be labeled and shown; and
 - 3. ingress and egress points to the building and through any barricades or enclosures; and
 - 4. a scale or distances between all features of the outdoor dining area; and
- F. A Certificate of Insurance and a statement of indemnity as required by this Chapter;
- G. Payment of the license application fee(s) as established by the Village Board;
- H. Such additional information as may be requested by the Planning and Economic Development Director.

5.22.050 License Requirements.

- A. Issuance and continued enjoyment of sidewalk café and/or outdoor dining and drinking areas shall be conditioned on the following:
 - 1. The licensee shall comply with all applicable federal, state, Village and other local laws and regulations.
 - 2. Operation of sidewalk café and/or outdoor dining and drinking areas shall not be detrimental to the health, safety, or welfare of persons residing or working in the vicinity.
 - 3. The hours of operation for sidewalk café and/or outdoor drinking and dining area shall be as follows:
 - i. Hours of operation shall not exceed the approved hours of operation granted by the underlying annual business or liquor license; and,

- ii. Hours of operation may be diminished where doing so is in the health, safety and welfare of persons residing or working in the vicinity, as determined by the Director of Planning and Economic Development.
 - iii. The sidewalk café and/or outdoor dining and drinking areas shall be operated under the same name as the food or drinking establishment to which it is attached.
 - iv. The sidewalk café and/or outdoor dining and drinking areas shall share the same management and same food preparation facilities as the food and drinking establishment to which it is attached.
 - v. The sidewalk café and/or outdoor dining and drinking areas shall not be open or operated at any time when the food or drinking establishment to which it is attached is not open for business.
- B. In addition to the requirements set forth in Section 5.22.050.A, the issuance and continued enjoyment of a sidewalk café license shall be conditioned on the following:
- 1. The use of public sidewalks or right-of-way for sidewalk cafés shall be permitted only on that portion of public property which is directly contiguous and immediately adjacent to the frontage or side yard of the private property in which the use is located.
 - 2. The licensee shall secure and maintain comprehensive general liability insurance protection and dram shop insurance including but not limited to coverage for all premises and non-premises operations, independent contractors, broad form property damage coverage, including contractual liability protection covering the indemnification of the Village, its officers, agents and employees by the owner/operator. This insurance shall provide bodily injury limits of not less than \$1,000,000.00 for each occurrence and not less than \$1,000,000.00 in the aggregate, and with property damage limits of not less than \$500,000.00 for each occurrence and not less than \$500,000.00 in the aggregate. Such insurance shall name the Village of Lemont as an additional insured and shall provide that the policy will not terminate or be canceled prior to the expiration date except upon 30 days' advance written notice to the Village.
 - 3. The licensee shall indemnify and hold harmless the Village, its officers, agents and employees against loss or expense including attorney's fees, by reason of the liability imposed by law upon the Village, for damage because of bodily injury, including death, at any time resulting therefrom, sustained by any person or persons, or on account of damage to property arising out of or in consequence of the granting of a license, operation of a sidewalk café or outdoor dining and drinking area or otherwise occupying public property pursuant to a license under this ordinance.

5.22.060 Placement, Use, and Type of Furniture.

A. The placement of tables, chairs, and other furnishings shall leave at least four feet of an unobstructed, accessible route along the sidewalk or other pedestrian way, and at least 36 inches of accessible route between tables with chairs.

B. The tables, chairs, barriers and other furnishings used in sidewalk café and/or outdoor dining and drinking areas shall be of a type that is easily removed from the public right-of-way. Table and chairs used in the sidewalk café shall be of metal or wrought iron construction. No furniture constructed primarily of plastic shall be allowed.

C. All chairs and tables shall be firmly secured at the end of each business day.

D. No fire exit, fire escape or other required ingress or egress shall be obstructed by the sidewalk café and/or outdoor drinking and dining area.

E. The sidewalk area in and near the sidewalk café and/or outdoor dining and drinking area shall be kept clean and free of refuse and clutter at all times by the license holder regardless of the source of such refuse and clutter.

F. The licensee shall be responsible for the maintenance and upkeep of the public right-of-way used in the operation of a licensed sidewalk café and/or outdoor dining and drinking area. The licensee shall not damage, alter, modify or change any part of the public sidewalk, public right-of-way or public property.

G. The licensee shall be responsible for repairing any incidental damage to public sidewalk, public right-of-way, public property or public improvements resulting from its operation.

5.22.070 Consumption of Alcoholic Beverages at Sidewalk Cafés.

A. The sale and consumption of alcoholic beverages in the sidewalk café and/or outdoor drinking or dining area shall be restricted by the liquor license governing the properly licensed drinking or eating establishment. No alcoholic beverages may be removed from the sidewalk café and/or outdoor drinking or dining area, except into the interior of the properly licensed drinking and eating establishment. The grant of a sidewalk café and/or outdoor drinking or dining area licensee shall be an exception to the general prohibition of such consumption on public sidewalks as provided in Section 9.16.010 of the Lemont Municipal Code.

B. Alcoholic beverages shall not be stored or dispensed, poured, mixed or otherwise transferred into a drinking container, such as a cup or glass, in the sidewalk café and/or outdoor drinking or dining area.

C. For sidewalk café and/or outdoor dining or drinking areas where the consumption of alcohol has been approved, barriers or markings to demarcate the sidewalk café and/or outdoor dining or drinking area shall be required. Any installed barriers shall be removed from the period 1 November through 1 April. The owner/operator is responsible for returning the sidewalk to the condition it was in prior to the erection of the barriers or markings. All barriers

or markings must be approved by the Director of Planning and Economic Development prior to its placement and installation.

D. The consumption of alcoholic beverages at the sidewalk café and/or outdoor dining or drinking area shall be prohibited unless approval is expressly granted by the Lemont Liquor Commissioner.

E. Patrons consuming alcoholic beverages in the demarcated sidewalk café and/or outdoor dining or drinking area must be seated at a table. If the establishment serves food, food service must be offered in the demarcated sidewalk café and/or outdoor dining area. The licensee shall be responsible for monitoring this provision.

5.22.080 Alteration, Cancellation or Revocation of License.

A. The terms provided by the grant of a sidewalk café and outdoor dining or drinking area license may be amended or altered by the Director of Planning and Economic Development upon a determination that the use of the sidewalk café and outdoor dining or drinking area poses a threat to public health, safety or welfare.

B. Sidewalk café and outdoor dining or drinking area licenses may be suspended, canceled and/or revoked by the Village Administrator at any time.

C. Sidewalk café and outdoor dining or drinking area licenses do not constitute personal property, and the Village shall retain at all times the right to terminate any license or may completely eliminate this class of license at any time.

5.22.090 Penalties.

A. Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding seven hundred fifty dollars (\$750.00). Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

B. Every act or omission constituting a violation of any provision of this Chapter by any officer, director, manager, agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee and the employer or licensee shall be punishable in the same manner as if such act or omission had been done or omitted by him or her personally.

C. Any violation committed pursuant to subsections A and B above, may result in the suspension, cancellation or revocation of sidewalk café and outdoor seating license.

[REMAINDER OF PAGE LEFT BLANK]

SECTION 3: The provisions of this Ordinance are hereby declared to be severable, and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 4: That the Village Clerk of the Village of Lemont be and is directed hereby to publish this Ordinance in pamphlet form, pursuant to the Statutes of the State of Illinois, made and provided.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL, AND DUPAGE, ILLINOIS, on this ____ day of _____, 2014.

PRESIDENT AND VILLAGE BOARD MEMBERS:

	AYES:	NAYS:	ABSENT:	ABSTAIN
Debby Blatzer	_____	_____	_____	_____
Paul Chialdikas	_____	_____	_____	_____
Clifford Miklos	_____	_____	_____	_____
Rick Sniegowski	_____	_____	_____	_____
Ron Stapleton	_____	_____	_____	_____
Jeanette Virgilio	_____	_____	_____	_____

BRIAN K. REAVES
President

ATTEST:

CHARLENE M. SMOLLEN
Village Clerk