



United City of Yorkville
800 Game Farm Road
Yorkville, Illinois 60560
Telephone: 630-553-4350
www.yorkville.il.us

AGENDA
ECONOMIC DEVELOPMENT COMMITTEE MEETING
Tuesday, May 2, 2017
6:00 p.m.
City Hall Conference Room
800 Game Farm Road, Yorkville, IL

Citizen Comments:

Minutes for Correction/Approval: April 5, 2017

New Business:

1. EDC 2017-27 Building Permit Report for March 2017
2. EDC 2017-28 Building Inspection Report for March 2017
3. EDC 2017-29 Property Maintenance Report for March 2017
4. EDC 2017-30 Economic Development Update
5. EDC 2017-31 Small Cell Antennas
6. EDC 2017-32 Text Amendments to Zoning Ordinance
7. EDC 2017-33 Hotel Incentive Agreement
8. EDC 2017-34 Downtown TIF Extension

Old Business:

1. EDC 2017-20 Vacant Building Registration Program

Additional Business:

2017/2018 City Council Goals – Economic Development Committee		
Goal	Priority	Staff
“Downtown Planning”	1	Bart Olson & Krysti Barksdale-Noble
“Southside Development”	2	Bart Olson & Krysti Barksdale-Noble
“Manufacturing and Industrial Development”	4	Krysti Barksdale-Noble
“Revenue Growth”	9	Krysti Barksdale-Noble
“Capital Improvement Plan”	11	Bart Olson & Krysti Barksdale-Noble
“Community Entrance Signage and Wayfinding”	14	Krysti Barksdale-Noble

UNITED CITY OF YORKVILLE
WORKSHEET
ECONOMIC DEVELOPMENT COMMITTEE
Tuesday, May 2, 2017
6:00 PM
CITY HALL CONFERENCE ROOM

CITIZEN COMMENTS:

MINUTES FOR CORRECTION/APPROVAL:

1. April 5, 2017
- Approved _____
 - As presented
 - With corrections

NEW BUSINESS:

1. EDC 2017-27 Building Permit Report for March 2017
- Moved forward to CC _____ consent agenda? Y N
 - Approved by Committee _____
 - Bring back to Committee _____
 - Informational Item
 - Notes _____
-
-

2. EDC 2017-28 Building Inspection Report for March 2017

Moved forward to CC _____ consent agenda? Y N

Approved by Committee _____

Bring back to Committee _____

Informational Item

Notes _____

3. EDC 2017-29 Property Maintenance Report for March 2017

Moved forward to CC _____ consent agenda? Y N

Approved by Committee _____

Bring back to Committee _____

Informational Item

Notes _____

4. EDC 2017-30 Economic Development Update

Moved forward to CC _____ consent agenda? Y N

Approved by Committee _____

Bring back to Committee _____

Informational Item

Notes _____

5. EDC 2017-31 Small Cell Antennas

Moved forward to CC _____ consent agenda? Y N

Approved by Committee _____

Bring back to Committee _____

Informational Item

Notes _____

6. EDC 2017-32 Text Amendments to Zoning Ordinance

Moved forward to CC _____ consent agenda? Y N

Approved by Committee _____

Bring back to Committee _____

Informational Item

Notes _____

7. EDC 2017-33 Hotel Incentive Agreement

Moved forward to CC _____ consent agenda? Y N

Approved by Committee _____

Bring back to Committee _____

Informational Item

Notes _____

8. EDC 2017-34 Downtown TIF Extension

Moved forward to CC _____ consent agenda? Y N

Approved by Committee _____

Bring back to Committee _____

Informational Item

Notes _____

OLD BUSINESS:

1. EDC 2017-20 Vacant Building Registration Program

Moved forward to CC _____ consent agenda? Y N

Approved by Committee _____

Bring back to Committee _____

Informational Item

Notes _____

ADDITIONAL BUSINESS:



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

Minutes

Tracking Number

Agenda Item Summary Memo

Title: Minutes of the Economic Development Committee – April 5, 2017

Meeting and Date: Economic Development Committee – May 2, 2017

Synopsis: _____

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Committee Approval

Submitted by: Minute Taker
Name Department

Agenda Item Notes:

2. EDC 2017-23 Building Inspection Report for February 2017

There were 321 inspections in February with a large amount of residential activity.

3. EDC 2017-24 Property Maintenance Report for February 2017

Seven cases were heard and Mr. Ratos said there was a dismissal on the case where ice filled the house and the owner is working with the City. Mr. Olson reported the City won adjudication on two of the tickets issued last year, where work must be completed by property owners. He will be drafting a policy for these situations.

4. EDC 2017-25 Economic Development Update

Ms. Dubajic reported the following:

1. Continues to discuss development for downtown
2. Still working with potential grocer
3. Discussions with businesses to rent space in shops on Rt. 71 west of Rt. 47
4. Kendall Marketplace talks continue for outlots and in-line space
5. Industrial user still undecided about location
6. Go Forth Sports ready to break ground
7. Kendall County hosted Chicago Regional Growth Initiative
8. Many residential builders exploring Yorkville
9. Cedarhurst prepares to close on property and break ground

Alderman Funkhouser inquired about the progress of the Kendall Marketplace SSA correction. Mr. Olson said the County told him the error will be corrected before tax bills are sent. Mr. Funkhouser expressed his displeasure with the delay since a potential buyer for the property was likely driven elsewhere due to the delay.

5. EDC 2017-26 TIF Inducement Resolution – Kendall Crossing

This is the first step in the TIF agreement process prior to the developer committing to a project. It needs to be approved by simple majority at City Council.

Ms. Dubajic introduced Mr. Sonny Shah who will be constructing a 4-story hotel in Kendall Crossing. He said it will have 90+ rooms with a second adjoining building to serve as a conference center to accommodate 500 people. The project will bring 70 jobs. Mr. Shah went through UIRVDA for this project. It should be completed one year from the building permit issuance. With committee approval, it moves forward to the Council consent agenda.

Old Business

1. EDC 2017-20 Vacant Building Registration Program

Ms. Noble stated revisions were made to this proposed program including a fee reduction from \$250 to \$150. Committee members asked for clarifications of other situations including the criteria for deeming a house vacant.

The proposed program will move forward to Council without a recommendation, for further input and discussion. This will be discussed at the April 11th Council meeting.

DRAFT

**UNITED CITY OF YORKVILLE
ECONOMIC DEVELOPMENT COMMITTEE
Wednesday, April 5, 2017, 6:00pm
City Conference Room**

In Attendance:

Committee Members

Chairman Ken Koch
Alderman Chris Funkhouser
Alderman Carlo Colosimo
Alderman Diane Teeling

Other City Officials

City Administrator Bart Olson
Interim Assistant City Administrator Erin Willrett
Community Development Director Krysti Barksdale-Noble
Code Official Pete Ratos

Other Guests

City Consultant Lynn Dubajic
Mr. Sonny Shah, Kendall Hospitality
Tony Scott, *Kendall County Record*

The meeting was called to order by Chairman Ken Koch at 6:05pm.

Citizen Comments: None

Minutes for Correction/Approval: March 7, 2017

The minutes were approved as presented on a voice vote.

New Business

1. EDC 2017-22 Building Permit Report for February 2017

Mr. Ratos reported five single family home permits (four were B.U.I.L.D.) in February and 10 commercial permits. He said the weather was good and construction was 30% higher than last year at the end of March. It was noted there is a lack of inventory now and that houses are selling rapidly. The senior housing subdivision extended their special use for three more years and are closing out other projects prior to starting in Yorkville.

Alderman Funkhouser requested a map (or address list) showing the location of B.U.I.L.D. homes and non-B.U.I.L.D. homes since the program began. Mr. Koch said the builders shy away from some areas for the B.U.I.L.D. program due to high costs. There was a brief discussion about possible revision of fees.

Additional Business

Alderman Teeling commented on a recent *Beacon News* story which stated Yorkville spent a large sum of City money on the old jail. She wanted to clarify that the City received grants and State money.

There was no further business and the meeting adjourned at 7:00pm.

Minutes respectfully submitted by
Marlys Young, Minute Taker



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

New Business #1

Tracking Number

EDC 2017-27

Agenda Item Summary Memo

Title: Building Permit Report for March 2017

Meeting and Date: Economic Development Committee – May 2, 2017

Synopsis: All permits issued in March 2017.

Council Action Previously Taken:

Date of Action: N/A Action Taken: N/A

Item Number: N/A

Type of Vote Required: Informational

Council Action Requested: None

Submitted by: D. Weinert Community Development
Name Department

Agenda Item Notes:



UNITED CITY OF YORKVILLE

BUILDING PERMIT REPORT

March 2017

	Number of Permits Issued	SFD <i>Single Family Dwelling</i>	B.U.I.L.D. <i>Single Family Dwelling</i>	SFA <i>Single Family Attached</i>	Multi-Family <i>Apartments Condominiums</i>	Commercial <i>Includes all Permits Issued for Commercial Use</i>	Industrial	Misc.	Construction Cost	Permit Fees
March 2017	74	13	8	0	0	12	0	41	4,703,074.00	255,593.07
Calendar Year 2017	148	15	18	0	0	32	0	83	7,757,040.00	434,412.51
Fiscal Period 2017	786	53	94	0	0	113	0	526	35,944,779.00	1,821,445.59
March 2016	73	5	11	0	0	12	0	45	3,667,897.00	180,093.14
Calendar Year 2016	124	5	19	0	0	29	0	71	5,469,709.00	296,500.52
Fiscal Period 2016	583	12	73	0	0	124	0	374	19,724,814.00	1,115,381.60
March 2015	41	0	10	0	0	8	0	23	2,294,256.00	183,805.07
Calendar Year 2015	72	0	15	0	0	22	0	35	33,307,553.00	280,917.49
Fiscal Period 2015	504	3	61	0	0	97	0	343	52,628,870.00	1,056,601.70
March 2014	35	3	9	0	0	3	0	20	2,080,318.00	155,265.57
Calendar Year 2014	65	4	10	0	0	18	0	33	2,641,627.00	189,319.95
Fiscal Period 2014	501	24	40	0	0	106	0	331	17,229,271.00	834,092.53



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

New Business #2

Tracking Number

EDC 2017-28

Agenda Item Summary Memo

Title: Building Inspection Report for March 2017

Meeting and Date: Economic Development Committee – May 2, 2017

Synopsis: All inspections scheduled in March 2017.

Council Action Previously Taken:

Date of Action: N/A Action Taken: N/A

Item Number: N/A

Type of Vote Required: Informational

Council Action Requested: None

Submitted by: D. Weinert Community Development
Name Department

Agenda Item Notes:

DATE: 03/31/2017
TIME: 14:44:11
ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

PAGE: 1

INSPECTIONS SCHEDULED FROM 03/01/2017 TO 03/31/2017

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	017-FIN FINAL INSPECTION	20160305	2459 FAIRFAX WAY	244		03/20/2017
PR	_____	018-PLF PLUMBING - FINAL OSR READ					03/20/2017
KL	_____	019-EFL ENGINEERING - FINAL INSPE Comments1: BBOX KEYABLE, OSR INSTALLED, OK TO TEMP.					03/20/2017
PR	_____	002-RFR ROUGH FRAMING Comments1: GAR CODE 1871	20160310	105 W CENTER ST			03/14/2017
PR	_____	003-REL ROUGH ELECTRICAL					03/14/2017
PR	_____	004-PLR PLUMBING - ROUGH					03/14/2017
BC	_____	001-PHF POST HOLE - FENCE	20160430	711 N BRIDGE ST			03/08/2017
BC	_____	002-FIN FINAL INSPECTION					03/13/2017
BC	_____	005-RFR ROUGH FRAMING	20160494	147 COMMERCIAL DR	19		03/09/2017
PR	_____	005-PLR PLUMBING - ROUGH	20160567	491 BIRCHWOOD DR	130		03/07/2017
BC	_____	006-RFR ROUGH FRAMING Comments1: INSPECT GARAGE BOTTON PLATE ANCHORAGE AT Comments2: FINAL					03/09/2017
BC	_____	007-REL ROUGH ELECTRICAL					03/09/2017
BC	_____	008-RMC ROUGH MECHANICAL					03/09/2017
PR	_____	PM 009-PLU PLUMBING - UNDERSLAB					03/13/2017
PR	_____	010-INS INSULATION					03/13/2017
BC	_____	AM 011-BSM BASEMENT FLOOR					03/15/2017
BC	_____	012-GAR GARAGE FLOOR					03/30/2017
BC	_____	013-STP STOOP					03/30/2017
PR	_____	015-PWK PRIVATE WALKS	20160590	2983 ELLSWORTH DR	398		03/28/2017
PR	_____	PM 012-FIN FINAL INSPECTION	20160595	2967 ELLSWORTH DR	402		03/23/2017
PR	_____	013-PLF PLUMBING - FINAL OSR READ					03/23/2017
KL	_____	014-EFL ENGINEERING - FINAL INSPE Comments1: BBOX KEYABLE, OSR INSTALLED. OK TO TEMP					03/23/2017

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UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

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INSPECTIONS SCHEDULED FROM 03/01/2017 TO 03/31/2017

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	012-PWK PRIVATE WALKS	20160596	2987 ELLSWORTH DR	397		03/28/2017
BC	_____	018-PWK PRIVATE WALKS	20160597	2679 LILAC WAY	319	03/28/2017	
BC	_____	014-INS INSULATION	20160663	510 MAIN ST E	1		03/02/2017
BC	_____	015-STP STOOP					03/17/2017
PR	_____	015-PLF PLUMBING - FINAL OSR READ	20160684	2948 GRANDE TRAIL	420		03/07/2017
TK	_____	016-EFL ENGINEERING - FINAL INSPE					03/07/2017
BC	_____	017-FIN FINAL INSPECTION					03/08/2017
PR	_____	018-PWK PRIVATE WALKS					03/28/2017
PR	_____	014-INS INSULATION	20160685	2393 HOLLENBACK CT	426		03/02/2017
PR	_____	015-PWK PRIVATE WALKS					03/28/2017
PR	_____ AM	008-RFR ROUGH FRAMING	20160686	2958 GRANDE TRAIL	422		03/07/2017
PR	_____	009-REL ROUGH ELECTRICAL					03/07/2017
PR	_____	010-RMC ROUGH MECHANICAL					03/07/2017
PR	_____	011-PLR PLUMBING - ROUGH					03/07/2017
PR	_____ AM	012-INS INSULATION					03/13/2017
PR	_____	013-PWK PRIVATE WALKS					03/28/2017
PR	_____	015-PWK PRIVATE WALKS	20160689	2952 GRANDE TR	421		03/28/2017
PR	_____	015-FIN FINAL INSPECTION	20160690	2396 HOLLENBACK CT	424		03/14/2017
PR	_____	016-PLF PLUMBING - FINAL OSR READ					03/14/2017
TK	_____	017-EFL ENGINEERING - FINAL INSPE					03/14/2017
		Comments1: BBOX & OSR INSTALLED OK TO TEMP.					
PR	_____	018-PWK PRIVATE WALKS					03/28/2017
PR	_____	015-PWK PRIVATE WALKS	20160702	2394 HOLLENBACK CT	423		03/28/2017
BC	_____	015-PWK PRIVATE WALKS	20160704	2391 HOLLENBACK CT	427		03/28/2017
BC	_____ AM	013-GAR GARAGE FLOOR	20160716	2246 LAVENDER WAY	61		03/20/2017

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UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

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INSPECTIONS SCHEDULED FROM 03/01/2017 TO 03/31/2017

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____	AM 014-STP STOOP					03/20/2017
BC	_____	016-INS INSULATION Comments1: INSPECT ATTIC & PERIMETER BAND JOIST AT Comments2: FINAL	20160720	514 E MAIN ST	3		03/10/2017
PR	_____	AM 014-FIN FINAL INSPECTION	20160738	2463 FAIRFAX WAY	245		03/06/2017
PR	_____	015-PLF PLUMBING - FINAL OSR READ					03/06/2017
TK	_____	016-EFL ENGINEERING - FINAL INSPE Comments1: OSR INSTALLED, BBOX KEYABLE, OK TO TEMP					03/06/2017
BC	10:30	001-PHF POST HOLE - FENCE	20160741	1437 SLATE CT	339		03/02/2017
BC	_____	013-GAR GARAGE FLOOR	20160775	781 OMAHA DR	17		03/01/2017
BC	_____	014-STP STOOP					03/01/2017
PR	_____	010-FIN FINAL INSPECTION	20160798	449 SUTTON ST	207		03/20/2017
PR	_____	011-PLF PLUMBING - FINAL OSR READ					03/20/2017
KL	_____	012-EFL ENGINEERING - FINAL INSPE Comments1: BBOX KEYABLE, OSR INSTALLED, OK TO TEMP					03/20/2017
BC	_____	PM 007-BSM BASEMENT FLOOR	20160806	1548 SIENNA DRIVE	75	03/30/2017	
PR	_____	008-RFR ROUGH FRAMING					03/30/2017
PR	_____	009-REL ROUGH ELECTRICAL					03/30/2017
PR	_____	010-RMC ROUGH MECHANICAL					03/30/2017
PR	_____	011-PLR PLUMBING - ROUGH					03/30/2017
PR	_____	015-FIN FINAL INSPECTION	20160807	1538 SIENNA DR	76		03/15/2017
PR	_____	016-PLF PLUMBING - FINAL OSR READ					03/15/2017
TK	_____	017-EFL ENGINEERING - FINAL INSPE Comments1: BBOX KEYABLE, OSR INSTALLED. OK TO TEMP					03/15/2017
BC	_____	015-FIN FINAL INSPECTION	20160808	1558 SIENNA DR	74		03/22/2017
KL	_____	016-EFL ENGINEERING - FINAL INSPE Comments1: COULD NOT KEY BBOX, OSR INSTALLED					03/22/2017

DATE: 03/31/2017
TIME: 14:44:11
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UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

PAGE: 4

INSPECTIONS SCHEDULED FROM 03/01/2017 TO 03/31/2017

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	017-PLF PLUMBING - FINAL OSR READ					03/23/2017
KL	_____	018-REI REINSPECTION Comments1: BBOX KEYABLE OK TO TEMP					03/23/2017
BC	_____ AM	015-STP STOOP	20160809	2236 LAVENDER WAY	62		03/20/2017
PR	_____ PM	016-FIN FINAL INSPECTION					03/28/2017
PR	_____	017-PLF PLUMBING - FINAL OSR READ					03/28/2017
TK	_____	018-EFL ENGINEERING - FINAL INSPE Comments1: BBOX KEYABLE, OSR INSTALLED, OK TO TEMP					03/28/2017
PR	_____ PM	014-FIN FINAL INSPECTION	20160812	2987 GRANDE TR	392		03/23/2017
PR	_____	015-PLF PLUMBING - FINAL OSR READ					03/23/2017
KL	_____	016-EFL ENGINEERING - FINAL INSPE Comments1: BBOX KEYABLE, OSR INSTALLED, OK TO TEMP.					03/23/2017
PR	_____	017-PWK PRIVATE WALKS					03/28/2017
PR	_____	017-FIN FINAL INSPECTION	20160820	2412 FITZHUGH TURN	145		03/20/2017
PR	_____	018-PLF PLUMBING - FINAL OSR READ					03/20/2017
KL	_____	019-EFL ENGINEERING - FINAL INSPE Comments1: BBOX KEYABLE, OSR INSTALLED, OK TO TEMP					03/20/2017
BC	_____ AM	012-INS INSULATION	20160834	1172 CODY CT	6		03/01/2017
PR	_____	013-GAR GARAGE FLOOR					03/17/2017
PR	_____	009-RFR ROUGH FRAMING	20160849	2641 FAIRFAX WAY	255		03/02/2017
PR	_____	010-REL ROUGH ELECTRICAL					03/01/2017
PR	_____	011-RMC ROUGH MECHANICAL					03/01/2017
PR	_____	012-PLR PLUMBING - ROUGH					03/01/2017
BC	_____	013-INS INSULATION					03/03/2017
BC	_____ AM	013-STP STOOP	20160851	2689 LILAC WAY	320		03/20/2017
PR	_____	007-RFR ROUGH FRAMING	20160866	1007 N CARLY CIR	120		03/02/2017

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UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

PAGE: 5

INSPECTIONS SCHEDULED FROM 03/01/2017 TO 03/31/2017

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	008-REL ROUGH ELECTRICAL					03/02/2017
PR	_____	009-RMC ROUGH MECHANICAL					03/02/2017
PR	_____	010-PLR PLUMBING - ROUGH					03/02/2017
PR	_____	011-INS INSULATION					03/07/2017
BC	_____	002-FIN FINAL INSPECTION	20160868	773 BLUESTEM DR	27		03/01/2017
BC	_____	001-FIN FINAL INSPECTION	20160876	419 JACKSON ST	2		03/03/2017
PR	_____	009-RFR ROUGH FRAMING	20160880	2702 PHELPS CT	274	03/07/2017	
PR	_____	010-REL ROUGH ELECTRICAL				03/07/2017	
PR	_____	011-RMC ROUGH MECHANICAL				03/07/2017	
PR	_____	012-PLR PLUMBING - ROUGH				03/07/2017	
BC	_____	013-INS INSULATION					03/10/2017
BC	_____ AM	001-FTG FOOTING	20160882	2342 WINTERTHUR GREEN	180		03/20/2017
BC	_____	002-FOU FOUNDATION					03/23/2017
PR	_____ PM	003-ESW ENGINEERING - SEWER / WAT					03/28/2017
BC	_____	004-BKF BACKFILL					03/28/2017
BC	_____ AM	001-FTG FOOTING	20160883	672 WINDETT RIDGE RD	152		03/20/2017
BC	_____	002-FOU FOUNDATION					03/22/2017
PR	_____ PM	003-ESW ENGINEERING - SEWER / WAT					03/28/2017
BC	_____	004-BKF BACKFILL					03/28/2017
BC	_____	006-BSM BASEMENT FLOOR	20160886	343 TYLER CREEK CT	83		03/08/2017
PR	_____	007-RFR ROUGH FRAMING					03/13/2017
PR	_____	008-REL ROUGH ELECTRICAL					03/13/2017
PR	_____	009-RMC ROUGH MECHANICAL					03/13/2017
PR	_____	010-PLR PLUMBING - ROUGH					03/13/2017

DATE: 03/31/2017
TIME: 14:44:11
ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

PAGE: 6

INSPECTIONS SCHEDULED FROM 03/01/2017 TO 03/31/2017

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	011-INS INSULATION					03/16/2017
BC	_____	012-PHD POST HOLE - DECK					03/23/2017
BC	_____	013-GAR GARAGE FLOOR					03/30/2017
BC	_____	007-BSM BASEMENT FLOOR	20160895	2642 LILAC WAY	376		03/06/2017
BC	_____	008-GAR GARAGE FLOOR					03/06/2017
BC	_____	009-STP STOOP					03/06/2017
PR	_____	010-RFR ROUGH FRAMING					03/21/2017
PR	_____	011-REL ROUGH ELECTRICAL					03/21/2017
PR	_____	012-RMC ROUGH MECHANICAL					03/21/2017
PR	_____	013-PLR PLUMBING - ROUGH					03/21/2017
		Comments1: P					
PR	_____	014-INS INSULATION					03/24/2017
PR	_____	001-FTG FOOTING	20160898	307 W CENTER ST			03/24/2017
PR	_____	007-FIN FINAL INSPECTION	20160900	2222 NORTHLAND LN	75		03/02/2017
PR	_____	008-PLF PLUMBING - FINAL OSR READ					03/02/2017
PR	_____	008-RFR ROUGH FRAMING	20170001	1024 S CARLY CIR	114		03/23/2017
PR	_____	009-REL ROUGH ELECTRICAL					03/23/2017
PR	_____	010-RMC ROUGH MECHANICAL					03/23/2017
PR	_____	011-PLR PLUMBING - ROUGH					03/23/2017
BC	_____	012-INS INSULATION					03/28/2017
BC	_____	006-BSM BASEMENT FLOOR	20170002	1023 N CARLY CIR	119		03/23/2017
BC	_____	007-GAR GARAGE FLOOR					03/23/2017
BC	_____	008-STP STOOP					03/23/2017
RE	_____	002-PLU PLUMBING - UNDERSLAB	20170003	520 E KENDALL DR	3		03/13/2017
RE	_____	003-PLU PLUMBING - UNDERSLAB					03/14/2017

DATE: 03/31/2017
TIME: 14:44:11
ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE
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INSPECTIONS SCHEDULED FROM 03/01/2017 TO 03/31/2017

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BH	_____	004-PPS PRE-POUR, SLAB ON GRADE					03/15/2017
BH	_____	PM 005-PPS PRE-POUR, SLAB ON GRADE					03/29/2017
RE	_____	006-PLU PLUMBING - UNDERSLAB					03/28/2017
BC	_____	006-BSM BASEMENT FLOOR	20170007	997 N CARLY CIR	121		03/07/2017
BC	_____	007-GAR GARAGE FLOOR					03/07/2017
BC	_____	008-STP STOOP				03/07/2017	
PR	_____	009-RFR ROUGH FRAMING					03/28/2017
PR	_____	010-REL ROUGH ELECTRICAL					03/28/2017
PR	_____	011-RMC ROUGH MECHANICAL					03/28/2017
PR	_____	012-PLR PLUMBING - ROUGH					03/28/2017
PR	_____	010-RFR ROUGH FRAMING	20170013	2691 MCLELLAN BLVD	50		03/13/2017
PR	_____	011-REL ROUGH ELECTRICAL					03/13/2017
PR	_____	AM 012-RMC ROUGH MECHANICAL					03/13/2017
PR	_____	013-PLR PLUMBING - ROUGH					03/13/2017
BC	_____	014-INS INSULATION					03/14/2017
BC	_____	015-RFR ROUGH FRAMING					03/21/2017
BC	_____	005-BSM BASEMENT FLOOR	20170015	722 KENTSHIRE DR	118		03/20/2017
BC	_____	006-GAR GARAGE FLOOR					03/20/2017
BC	_____	007-STP STOOP					03/20/2017
PR	_____	008-SUM SUMP					03/29/2017
PR	_____	009-RFR ROUGH FRAMING					03/30/2017
PR	_____	010-REL ROUGH ELECTRICAL					03/30/2017
PR	_____	011-RMC ROUGH MECHANICAL					03/30/2017
PR	_____	012-PLR PLUMBING - ROUGH					03/30/2017

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	006-SUM SUMP	20170016	2629 LILAC WAY	313		03/13/2017
BC	_____	007-BSM BASEMENT FLOOR				03/30/2017	
PR	_____	005-PLU PLUMBING - UNDERSLAB	20170021	1121 CLEARWATER DR	196		03/17/2017
PR	_____	AM 001-RFR ROUGH FRAMING	20170024	1069 HOMESTEAD DR	126		03/07/2017
PR	_____	002-REL ROUGH ELECTRICAL					03/07/2017
PR	_____	003-PLR PLUMBING - ROUGH					03/07/2017
PR	_____	004-RMC ROUGH MECHANICAL					03/07/2017
PR	_____	PM 001-RFR ROUGH FRAMING	20170025	2103 OLIVE LN	291		03/20/2017
PR	_____	002-REL ROUGH ELECTRICAL					03/20/2017
BC	_____	002-RFR ROUGH FRAMING	20170030	822 CAULFIELD PT	109		03/21/2017
_____	10:00	001-FIN FINAL INSPECTION	20170032	664 W VETERANS PKWY	9		03/03/2017
		Comments1: 2 DOORS NEED KNOBS, MISSING SCREW IN BAT					
		Comments2: H ELEC PLATE, REPAIR OUTLET IN REAR OF U					
		Comments3: NIT KITCHEN AREA NEED TO SIT FLUSH TIGHT					
		Comments4: .					
MT	_____	002-FFD BKFD FINAL INSPECTION				03/03/2017	
BC	_____	001-PHF POST HOLE - FENCE	20170035	701 E MAIN ST	35		03/09/2017
BC	_____	AM 001-FTG FOOTING	20170036	3365 RYAN DR	14		03/23/2017
BC	_____	002-FOU FOUNDATION					03/24/2017
BC	_____	003-BKF BACKFILL					03/29/2017
PR	_____	005-ESW ENGINEERING - SEWER / WAT					03/29/2017
PR	_____	006-ESS ENGINEERING - STORM					03/29/2017
BC	_____	AM 001-FTG FOOTING	20170037	3485 RYAN DR	2		03/23/2017
BC	_____	002-FOU FOUNDATION					03/24/2017
BC	_____	004-BKF BACKFILL					03/29/2017
PR	_____	PM 005-ESS ENGINEERING - STORM					03/29/2017

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	PM 006-ESW ENGINEERING - SEWER / WAT					03/29/2017
BC	_____	001-FIN FINAL INSPECTION	20170038	729 INDEPENDENCE CT	6		03/01/2017
PR	_____	PM 003-RST FIRE OR DRAFT STOPPING	20170039	886 FLINT CREEK LN	149		03/01/2017
PR	_____	AM 001-ELE ELECTRIC SERVICE	20170040	715 BRISTOL AVE.	0		03/01/2017
PR	15:30	002-FTG FOOTING	20170041	205 OAKWOOD ST	21		03/23/2017
BC	_____	003-FOU FOUNDATION					03/28/2017
PR	_____	001-ESW ENGINEERING - SEWER / WAT	20170048	378 WESTWIND DR	14		03/06/2017
BC	_____	002-FTG FOOTING					03/10/2017
BC	_____	002-FIN FINAL INSPECTION	20170051	574 W BARBERRY CIR	52		03/01/2017
BC	_____	002-FIN FINAL INSPECTION	20170052	403 BRUELL ST	30		03/02/2017
BC	_____	002-FIN FINAL INSPECTION	20170055	2487 ELLSWORTH CT	352		03/14/2017
PR	_____	002-FOU FOUNDATION	20170056	2606 FAIRFAX WAY	276		03/01/2017
BC	_____	AM 003-BKF BACKFILL					03/10/2017
PR	_____	004-ESW ENGINEERING - SEWER / WAT					03/17/2017
PR	_____	005-PLU PLUMBING - UNDERSLAB					03/29/2017
PR	_____	PM 001-PLU PLUMBING - UNDERSLAB	20170063	467 POPLAR DR	21		03/16/2017
PR	_____	002-PLR PLUMBING - ROUGH					03/16/2017
PR	_____	003-RFR ROUGH FRAMING					03/16/2017
PR	_____	004-REL ROUGH ELECTRICAL					03/16/2017
BC	10:30	001-FIN FINAL INSPECTION	20170064	101 E CENTER ST			03/09/2017
		Comments1: SEVERAL ELEC RECPTACLES WITH OPEN GROUND					
		Comments2: S. GFCI IN KITCHEN NOT OPERATING PROPER					
		Comments3: LLY.					
MT	_____	002-FFD BKFD FINAL INSPECTION				03/09/2017	
PR	14:00	001-PLR PLUMBING - ROUGH	20170067	421 E SPRING ST			03/15/2017
BC	13:00	001-PHD POST HOLE - DECK	20170070	458 HONEYSUCKLE LN.	158		03/29/2017

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INSPECTIONS SCHEDULED FROM 03/01/2017 TO 03/31/2017

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____	AM 002-RFR ROUGH FRAMING					03/30/2017
BC	_____	001-PHF POST HOLE - FENCE	20170072	215 W ELIZABETH ST			03/20/2017
BC	_____	AM 001-FTG FOOTING	20170073	642 WINDETT RIDGE RD	155		03/13/2017
BC	_____	PM 002-FOU FOUNDATION					03/17/2017
BC	_____	003-BKF BACKFILL					03/23/2017
PR	_____	PM 004-ESW ENGINEERING - SEWER / WAT					03/28/2017
BC	_____	AM 001-FTG FOOTING	20170075	982 S CARLY CIR	108		03/08/2017
BC	_____	002-BKF BACKFILL					03/15/2017
BC	_____	003-FOU FOUNDATION					03/14/2017
PR	_____	004-PLU PLUMBING - UNDERSLAB					03/28/2017
PR	_____	005-ESW ENGINEERING - SEWER / WAT					03/30/2017
BC	_____	AM 001-FTG FOOTING	20170076	1037 N CARLY CIR	116		03/08/2017
BC	_____	002-BKF BACKFILL					03/15/2017
BC	_____	003-FOU FOUNDATION					03/13/2017
PR	_____	004-PLU PLUMBING - UNDERSLAB					03/28/2017
BC	11:30	001-PHF POST HOLE - FENCE	20170077	1705 CANDLEBERRY LN	22		03/09/2017
PR	_____	001-RFR ROUGH FRAMING	20170079	408 W FOX RD			03/14/2017
PR	_____	002-REL ROUGH ELECTRICAL					03/14/2017
PR	_____	003-PLR PLUMBING - ROUGH					03/14/2017
BC	_____	001-PHF POST HOLE - FENCE	20170081	332 BERTRAM DR.	1159		03/28/2017
BC	_____	AM 001-PHF POST HOLE - FENCE Comments1: PARTIAL	20170085	2475 FAIRFAX WAY	246		03/28/2017
PR	_____	001-RFR ROUGH FRAMING	20170086	343 TYLER CREEK CT	83		03/27/2007
PR	_____	002-REL ROUGH ELECTRICAL					03/27/2017
PR	_____	003-PLR PLUMBING - ROUGH					03/27/2017

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INSPECTIONS SCHEDULED FROM 03/01/2017 TO 03/31/2017

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	004-RMC ROUGH MECHANICAL					03/27/2017
BC	_____	001-ROF ROOF UNDERLAYMENT ICE & W	20170089	202 E MAIN ST			03/15/2017
BC	_____	002-FIN FINAL INSPECTION					03/23/2017
BC	_____	001-PHF POST HOLE - FENCE	20170090	223 HILLCREST AVE			03/22/2017
BC	_____	001-FIN FINAL INSPECTION Comments1: ELECTRIC PANEL UPGRADE	20170095	114 CONOVER CT			03/30/2017
BC	_____	001-FIN FINAL INSPECTION	20170099	2505 BOOMER LN			03/30/2017
BC	_____	001-PHD POST HOLE - DECK	20170100	2741 LILAC CT	326		03/22/2017
PR	_____	001-FTG FOOTING	20170106	2701 PHELPS CT	265	03/31/2017	
PR	_____	001-RFR ROUGH FRAMING	20170107	1402 N BRIDGE ST			03/30/2017
PR	_____	002-REL ROUGH ELECTRICAL					03/30/2017
BC	_____	001-PHF POST HOLE - FENCE	20170109	2033 INGEMUNSON LN	153		03/24/2017
PR	_____	001-ESW ENGINEERING - SEWER / WAT	20170110	752 GREENFIELD TURN	104		03/20/2017
BC	_____	002-FTG FOOTING					03/22/2017
BC	_____	003-BKF BACKFILL					03/30/2017
BC	_____	001-PHF POST HOLE - FENCE	20170113	307 WOODWORTH ST	15		03/22/2017
PR	_____	001-ESS ENGINEERING - STORM	20170114	957 N CARLY CIR	125		03/23/2017
PR	_____	002-ESW ENGINEERING - SEWER / WAT					03/23/2017
BC	_____ AM	003-FTG FOOTING					03/28/2017
PR	_____	001-FTG FOOTING	20170125	2909 GRANDE TRAIL	377	03/31/2017	
BC	_____ PM	001-FTG FOOTING	20170126	2929 GRANDE TR	381		03/28/2017
PR	10:30	001-FTG FOOTING	20170132	2910 ELLSWORTH DR	372	03/30/2017	
PR	09:00	001-FTG FOOTING	20170134	2921 GRANDE TR	379		03/29/2017
BC	09:00	001-FTG FOOTING	20170135	2923 GRANDE TR	380		03/29/2017
BC	11:00	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: CANCELLED WILL RESCHEDULE	20170139	808 MORGAN ST		03/27/2017	

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____	002-ROF ROOF UNDERLAYMENT ICE & W					03/28/2017
BC	11:00	001-PHF POST HOLE - FENCE	20170140	566 YELLOWSTONE LN	64	03/30/2017	
BC	_____	001-PHF POST HOLE - FENCE	20170143	309 E WASHINGTON ST			03/24/2017
BC	_____	002-FIN FINAL INSPECTION					03/29/2017
BC	_____	001-PHF POST HOLE - FENCE Comments1: CANCELLED	20170144	2723 GOLDENROD DR.	242	03/30/2017	
PR	_____	002-PHF POST HOLE - FENCE				03/31/2017	

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INSPECTIONS SCHEDULED FROM 03/01/2017 TO 03/31/2017

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE

PERMIT TYPE SUMMARY:		BIP BUILD INCENTIVE PROGRAM	SFD		119		
		BSM BASEMENT REMODEL			17		
		CCO COMMERCIAL OCCUPANCY PERMIT			4		
		COM COMMERCIAL BUILDING			6		
		CRM COMMERCIAL REMODEL			2		
		DCK DECK			4		
		ELE ELECTRICAL UPGRADE			2		
		FNC FENCE			19		
		REM REMODEL			7		
		REP REPAIR			1		
		ROF ROOFING			6		
		SFD SINGLE-FAMILY DETACHED			71		
		SHD SHED/ACCESSORY BUILDING			1		
		WIN WINDOW REPLACEMENT			1		
INSPECTION SUMMARY:		BKF BACKFILL			9		
		BSM BASEMENT FLOOR			8		
		EFL ENGINEERING - FINAL INSPECTION			11		
		ELE ELECTRIC SERVICE			1		
		ESS ENGINEERING - STORM			3		
		ESW ENGINEERING - SEWER / WATER			10		
		FFD BKFD FINAL INSPECTION			2		
		FIN FINAL INSPECTION			25		
		FOU FOUNDATION			9		
		FTG FOOTING			18		
		GAR GARAGE FLOOR			9		
		INS INSULATION			13		
		PHD POST HOLE - DECK			3		
		PHF POST HOLE - FENCE			14		
		PLF PLUMBING - FINAL OSR READY			12		
		PLR PLUMBING - ROUGH			18		
		PLU PLUMBING - UNDERSLAB			9		
		PPS PRE-POUR, SLAB ON GRADE			2		
		PWK PRIVATE WALKS			11		
		REI REINSPECTION			1		
		REL ROUGH ELECTRICAL			19		
		RFR ROUGH FRAMING			23		
		RMC ROUGH MECHANICAL			14		
		ROF ROOF UNDERLAYMENT ICE & WATER			3		
		RST FIRE OR DRAFT STOPPING			1		
		STP STOOP			10		
		SUM SUMP			2		
INSPECTOR SUMMARY:					1		
		BC BOB CREADEUR			104		
		BH BRIAN HOLDIMAN			2		

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UNITED CITY OF YORKVILLE
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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
		KL	KEVIN LAWRENTZ		7		
		MT	MICHAEL TORRENCE		2		
		PR	PETER RATOS		136		
		RE	RANDY ERICKSON		3		
		TK	TOM KONEN		5		
STATUS SUMMARY:		C			1		
		C	BC		13		
		C	MT		1		
		C	PR		2		
		I	BC		87		
		I	BH		2		
		I	MT		1		
		I	PR		109		
		I	RE		3		
		T	BC		4		
		T	KL		7		
		T	PR		25		
		T	TK		5		
REPORT SUMMARY:					260		



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

New Business #3

Tracking Number

EDC 2017-29

Agenda Item Summary Memo

Title: Property Maintenance Report for March 2017

Meeting and Date: Economic Development Committee – May 2, 2017

Synopsis: _____

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Informational

Council Action Requested: None

Submitted by: Pete Ratos Community Development
Name Department

Agenda Item Notes:

Have a question or comment about this agenda item?

Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at <http://www.yorkville.il.us/320/City-Council>



Memorandum

To: Economic Development Committee
From: Pete Ratos, Code Official
CC: Bart Olson, Krysti Barksdale-Noble, Lisa Pickering
Date: March 30, 2017
Subject: March Property Maintenance

Property Maintenance Report March 2017

Adjudication:

7 Property Maintenance Cases heard in March

3/27/2017

N 3504	2928 Grande Tr.	Motor Vehicles	Liabe \$750
N 3505	3836 Bailey Rd.	Motor Vehicles	Liabe \$75
N 3506	126 Bertram Dr.	Motor Vehicles	Liabe \$75
N 3507	4575 B Camden Ln.	Motor Vehicles	Dismissed
N 3508	206 F Barrett Dr.	Motor Vehicles	Dismissed
N 3509	904 E Spring St.	Motor Vehicles	Dismissed
N 3510	904 E Spring St.	Off Street Parking	Dismissed

Case Report

3/1/2017 - 3/31/2017

Case #	Case Date	ADDRESS OF COMPLAINT	TYPE OF VIOLATION	STATUS	VIOLATION LETTER SENT	FOLLOW UP STATUS	CITATION ISSUED	DATE OF HEARING	FINDINGS	ADJUDICATION FINDINGS
20170074	3/29/2017	SWC HYDRAULIC & MILL ST	STANDING & DRIPPING WATER	TO BE INSPECTED		COMPLIANT				
20170073	3/27/2017	4575 A Camden Ln	Vehicle	IN VIOLATION	3/27/2017					
20170072	3/27/2017	449 SUTTON ST	UNSAFE CONDITIONS	COMPLIANT						
20170071	3/23/2017	404 W RIDGE ST	JUNK, REFUSE	IN VIOLATION	3/24/2017					
20170070	3/22/2017	344 Walsh Cr	Vehicle	IN VIOLATION	3/22/2017					
20170069	3/20/2017	1502 N BRIDGE ST	SIGN	IN VIOLATION	3/21/2017					
20170068	3/9/2017	108 W Somonauk St.	Animal droppings	IN VIOLATION	3/10/2017					
20170067	3/8/2017	Ellsworth Ct.	TRASH, RUBBISH	CLOSED						
20170066	3/7/2017	513 W. Washington St.	Trees	IN VIOLATION	3/9/2017	IN VIOLATION	3/22/2017	4/24/2017		
20170065	3/7/2017	504 Freemont St.	Fence	COMPLIANT						
20170064	3/7/2017	THE COLONIES @ GRANDE RESERVE	DUMPING	COMPLIANT						
20170063	3/3/2017	1401 Orchid St	Vehicle	CLOSED	3/3/2017	COMPLIANT				
20170062	3/2/2017	609 S MAIN ST	HOME OCCUPATION	PENDING						

Total Records: 13

3/31/2017



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

New Business #4

Tracking Number

EDC 2017-30

Agenda Item Summary Memo

Title: Economic Development Report for April 2017

Meeting and Date: Economic Development Committee – May 2, 2017

Synopsis: See attached.

Council Action Previously Taken:

Date of Action: N/A Action Taken: _____

Item Number: _____

Type of Vote Required: _____

Council Action Requested: _____

Submitted by: Bart Olson Administration
Name Department

Agenda Item Notes:



651 Prairie Pointe Drive, Suite 102 • Yorkville, Illinois 60560
Phone 630-553-0843 • FAX 630-553-0889

Monthly Report – for May 2017 EDC Meeting of the United City of Yorkville

April 2017 Activity

Downtown Redevelopment:

- Continue conversations with two developers looking at different multi-purpose projects in the downtown. I anticipate that shortly, there will be another inducement resolution before the City Council in the near future.

Development south of Fox River:

- Continue to work with a grocer interested in locating grocery store south of the River. We have now been informed that the grocer is waiting to see what the State of Illinois is deciding on minimum wage, before he will move forward on any expansion.
- Working with other parties interested in leasing other space in existing centers near Route 47 & 71.

Development north of the Fox River:

- Kendall Crossing...Working with Sonny Shah, and experienced Hotel operator to develop a four story, 90 plus room hotel on the property. Kendall Hospitality will also develop an adjoining banquet/conference center at Kendall Crossing. The total cost of this project is estimated to be slightly over \$12 million. There will be approximately 70 new jobs created by this exciting new project. We anticipate that the remaining lots at Kendall Crossing, will develop in a short period of time.
- Kendall Marketplace...Working with Alex Berman (owner) to identify potential additional development on the project.
- Working with a developer interested in assembling parcels on Route 47 north of the river to create a small retail development site that would allow for a combination of single use buildings and multi-tenant buildings.
- Working with a developer to develop a small property on Route 34 east of Route 47, for a single use development. This project would allow the property to be used for a higher and better use than its current use.

Industrial Development:

- Continue to work with major industrial user for potential development along Eldamain Road. The final determination for the project is in the hands of the "Board of Directors" of this publicly traded company. We are still waiting for official word.
- Working with Wrigley to meet their needs to increase their production of Skittles in the Yorkville plant.

Recreational Development:

- Continue to work with Justine Brummel on multi-use sports facility. "Go For It Sports" will celebrate with a formal Groundbreaking ceremony. The date and time will be announced shortly.

Other Activity:

- Appeared on "Fox Valley Headline Makers" with Krysti Barksdale-Noble to promote Yorkville and review upcoming projects in the community.
- Attended the Kendall County Economic Development meeting to discuss the County's Revolving Loan Fund and the strategy they are working for utilizing it in the future.
- Attended the Conservation Foundation's Annual Earth Day dinner. Met with a variety of individuals involved with development in the area.

Respectfully submitted,

Lynn Dubajic
651 Prairie Pointe Drive, Suite 102
Yorkville, IL 60560
lynn@dlkllc.com
630-209-7151 cell



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

New Business #5

Tracking Number

EDC 2017-31

Agenda Item Summary Memo

Title: Modifying Codified Ordinance Chapter 8 and 18 for Small Cell Antenna Revisions

Meeting and Date: Economic Development Committee, May 2, 2017

Synopsis: Consideration of updates to the Codified Chapter 8 Construction of Utility Facilities
In Rights of Way and Chapter 18 Telecommunication and Antenna Regulations

Council Action Previously Taken:

Date of Action: N/A Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Erin Willrett Administration
Name Department

Agenda Item Notes:



Memorandum

To: City Council
From: Erin Willrett, Assistant City Administrator
CC:
Date: April 26, 2017
Subject: Modifying Codified Ordinance Chapter 8 and 18 for Small Cell Antenna Revisions

Summary

Consideration of updates to the Codified Ordinance Chapter 8 Construction of Utility Facilities in Rights of Way and Chapter 18 Telecommunication and Antenna Regulations.

Background

Municipalities throughout Illinois have seen a proliferation of small cell antenna applications from wireless/phone companies for both an array of improvements to existing utility poles and new poles within the right of way. Driven by the vast increase in data usage on cell phones, companies around the country are trying to find cheaper, easier ways to increase network capacity. Below are links to a sampling of articles regarding the increase of small cell antennas and government regulation on them:

- <http://www.fiercewireless.com/wireless/mobilitie-downplays-small-cell-concerns-says-sprint-really-spending-network-upgrades>
- <http://www.rcrwireless.com/20170322/network-infrastructure/small-cell-siting-update-tag4>

The City received two small cell tower applications from a company over the past few months. The initial request was for an 80' wooden monopole within the right-of-way adjacent to City Hall. This application was denied for a variety of reasons, and the company reapplied for an ~8' antenna to be attached to an existing ComEd power pole on Game Farm Road, southwest of City Hall. This application was reviewed by staff and processed in accordance with the current ordinance, with minimal issue. This application would have been processed in a substantially similar matter under the ordinance referenced below, and staff did not have a legal basis to withhold issuance of the permit for the work. The staff let the applicant know that future work would have to be subject to the new ordinance.

The Illinois Municipal League (IML) published a model Small Cell Antenna/Tower Siting Ordinance, addressing regulations for the expanding use of municipal rights-of-way. Staff took the model and incorporated the recommendations for the Small Cell Antennas into Chapter 8 Construction of Utility Facilities in Rights of Way and Chapter 18 Telecommunication and Antenna Regulations of the City's Codified Ordinances. Both of these Ordinances will also be reviewed by the Public Works Committee on May 16th. Chapter 18 will additionally go to the June 14th PZC meeting for a Public Hearing for a Text Amendment, because it is a Chapter within the Zoning Code and then back to City Council for a vote on both Ordinances.

In the attached red-lined version of Chapter 8, staff added several definitions per the IML recommended ordinance. An "Alternative Antenna Structure" definition was added. The Alternative Antenna Structure is what was used to place the newest small cell tower within the City, which was allowable under the current version of the Ordinance. A definition was also added for "Monopole" which was what the company that pursued the City originally applied for a permit to construct. Within Chapter 8,

Section 15, Location of Facilities, Free Standing Facilities – Above Ground, staff added nine additional requirements for above ground free standing facilities per the IML. They range from the number of allowable small cell facilities on an alternative antenna structure, to the height of the structures and/or antenna and also the color of the new structure and/or antenna. All of the items that were added limit the small cell companies from installing a number of poles that are unsightly and tall. All other items and processes within the Chapter remain the same. A permit is required for construction and will be reviewed by staff and the variance process also remains the same.

The changes to Chapter 18, which are also red-lined, include an updated definition of “Antenna” to make it more general so that it includes other Antenna’s other than those regulated by the FCC. The definitions were also cleaned up to eliminate items that are no longer relevant. The Ordinance also cross references Chapter 8 if any Antenna being constructed is located within the public right of way.

Staff is currently looking into amending the language in both ordinances to establish a consistent measurement requirement for distances in-between the antennas and/or towers, regardless if it is on private property or public right of way. Staff will update both committees on the recommendation.

Recommendation

Staff recommends approval of the updates to the Codified Ordinance Chapter 8 Construction of Utility Facilities in Rights of Way and Chapter 18 Telecommunication and Antenna Regulations as it relates to Small Cell Antennas.

Chapter 8

CONSTRUCTION OF UTILITY FACILITIES IN RIGHTS OF WAY

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7-8-1: PURPOSE AND SCOPE:  

- A. Purpose: The purpose of this chapter is to establish policies and procedures for constructing facilities on rights of way within the city's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the city rights of way and the city as a whole.
- B. Intent: In enacting this chapter, the city intends to exercise its authority over the rights of way in the city and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including, without limitation:
1. Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;

2. Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
3. Prevent interference with the facilities and operations of the city's utilities and of other utilities lawfully located in rights of way or public property;
4. Protect against environmental damage, including damage to trees, from the installation of utility facilities;
5. Protect against increased storm water runoff due to structures and materials that increase impermeable surfaces;
6. Preserve the character of the neighborhoods in which facilities are installed;
7. Preserve open space, particularly the tree lined parkways that characterize the city's residential neighborhoods;
8. Prevent visual blight from the proliferation of facilities in the rights of way; and
9. Assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

C. Facilities Subject To This Chapter: This chapter applies to all facilities on, over, above, along, upon, under, across, or within the rights of way within the jurisdiction of the city. A facility lawfully established prior to the effective date of this chapter may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

D. Franchises, Licenses, Or Similar Agreements: The city, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the city rights of way. Utilities that are not required by law to enter into such an agreement may request that the city enter into such an agreement. In such an agreement, the city may provide for terms and conditions inconsistent with this chapter.

E. Effect Of Franchises, Licenses, Or Similar Agreements:

1. Utilities Other Than Telecommunications Providers: In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the city, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
2. Telecommunications Providers: In the event of any conflict with, or inconsistency between, the provisions of this chapter and the provisions of any franchise, license or similar agreement between the city and any telecommunications provider, the provisions of such franchise, license or similar

agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

F. Conflicts With Other Chapters: This chapter supersedes all chapters or parts of chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

G. Conflicts With State And Federal Laws: In the event that applicable federal or state laws or regulations conflict with the requirements of this chapter, the utility shall comply with the requirements of this chapter to the maximum extent possible without violating federal or state laws or regulations.

H. Sound Engineering Judgment: The city shall use sound engineering judgment when administering this chapter and may vary the standards, conditions, and requirements expressed in this chapter when the city so determines. Nothing herein shall be construed to limit the ability of the city to regulate its rights of way for the protection of the public health, safety and welfare. (Ord. 2007-97, 12-18-2007)

7-8-2: DEFINITIONS:

As used in this chapter and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this section. Any term not defined in this section shall have the meaning ascribed to it in 92 Illinois administrative code section 530.30, unless the context clearly requires otherwise.

AASHTO: American Association of State Highway and Transportation Officials.

[ALTERNATIVE ANTENNA STRUCTURE: An existing pole or other structure within the public right-of-way that can be used to support an antenna and is not a utility pole or a City-owned infrastructure. Designed to shield, conceal or disguise the presence of antennas or towers and blend with the surrounding setting. Alternative structures may include, but are not limited to, unobtrusive architectural features on new or existing structures, clock towers, flagpoles and church steeples.](#)

ANSI: American National Standards Institute.

[ANTENNA: Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.](#)

ASTM: American Society for Testing and Materials.

APPLICANT: A person applying for a permit under this chapter.

BACKFILL: The methods or materials for replacing excavated material in a trench or pit.

BORE OR BORING: To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

CABLE OPERATOR: That term as defined in 47 USC 522(5).

CABLE SERVICE: That term as defined in 47 USC 522(6).

CABLE SYSTEM: That term as defined in 47 USC 522(7).

CARRIER PIPE: The pipe enclosing the liquid, gas or slurry to be transported.

CASING: A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

CITY: The united city of Yorkville, Illinois.

[CITY-OWNED INFRASTRUCTURE:](#) [Infrastructure in public right-of-way within the boundaries of the city, including, but not limited to, streetlights, traffic signals, towers, structures, or buildings owned, operated or maintained by the City.](#)

CLEAR ZONE: The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a nonrecoverable slope, and a clear run out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO "Roadside Design Guide".

COATING: Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

CODE: The municipal code of the united city of Yorkville, Illinois.

CONDUCTOR: Wire carrying electrical current.

CONDUIT: A casing or encasement for wires or cables.

CONSTRUCTION OR CONSTRUCT: The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

COVER: The depth of earth or backfill over buried utility pipe or conductor.

CROSSING FACILITY: A facility that crosses one or more right of way lines of a right of way.

DIRECTOR OF PUBLIC WORKS: The city director of public works or his or her designee.

DISRUPT THE RIGHT OF WAY: For the purposes of this chapter, any work that obstructs the right of way or causes a material adverse effect on the use of the right of way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

[DISTRIBUTED ANTENNA SYSTEM \(DAS\):](#) [A type of personal wireless telecommunication facility consisting of a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area. Generally serves multiple](#)

| [characters.](#)

EMERGENCY: Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right of way or immediate maintenance required for the health and safety of the general public served by the utility.

ENCASEMENT: Provision of a protective casing.

ENGINEER: The city engineer or his or her designee.

EQUIPMENT: Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

EXCAVATION: The making of a hole or cavity by removing material, or laying bare by digging.

EXTRA HEAVY PIPE: Pipe meeting ASTM standards for this pipe designation.

FACILITY: All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights of way under this chapter. For purposes of this chapter, the term "facility" shall not include any facility owned or operated by the city.

FREESTANDING FACILITY: A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

FRONTAGE ROAD: Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

HAZARDOUS MATERIALS: Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the city engineer to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

HIGHWAY: A specific type of right of way used for vehicular traffic including rural or urban roads or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

HIGHWAY CODE: The Illinois highway code, 605 Illinois Compiled Statutes 5/1-101 et seq., as amended from time to time.

HOLDER: A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois cable and video competition law, 220 Illinois Compiled Statutes 5/21-401.

ICC: Illinois commerce commission.

IDOT: Illinois department of transportation.

JULIE: The joint utility locating information for excavators utility notification program.

JACKING: Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

JETTING: Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

JOINT USE: The use of pole lines, trenches or other facilities by two (2) or more utilities.

[LANDSCAPE SCREENING: The installation at grade of plantings, shrubbery, bushes or other foliage intended to screen the base of a personal wireless telecommunication facility from public view.](#)

MAJOR INTERSECTION: The intersection of two (2) or more major arterial highways.

[MONOPOLE: A structure composed of a single spire, pole or tower designed and used to support antennas or related equipment and that is not a utility pole, an alternative antenna structure, or a City-owned infrastructure.](#)

OCCUPANCY: The presence of facilities on, over or under right of way.

PARALLEL FACILITY: A facility that is generally parallel or longitudinal to the centerline of a right of way.

PARKWAY: Any portion of the right of way not improved by street or sidewalk.

PAVEMENT CUT: The removal of an area of pavement for access to a facility or for the construction of a facility.

PERMITTEE: That entity to which a permit has been issued pursuant to sections [7-8-4](#) and [7-8-5](#) of this chapter.

[PERSONAL WIRELESS TELECOMMUNICATION ANTENNA: An antenna that is part of a personal wireless telecommunications facility.](#)

[PERSONAL WIRELESS TELECOMMUNICATION EQUIPMENT: Equipment, exclusive of an antenna, that is part of a personal wireless telecommunications facility.](#)

[PERSONAL WIRELESS TELECOMMUNICATION FACILITY: An antenna, equipment, and related improvements used, or designed to be used, to provide wireless transmission of voice, data video streams, images, or other information including, but not limited to, cellular phone service, personal communication service, paging, and Wi-Fi antenna service.](#)

PETROLEUM PRODUCTS PIPELINES: Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal slurry.

PRACTICABLE: That which is performable, feasible or possible, rather than that which is simply convenient.

PRESSURE: The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

PROMPT: That which is done within a period of time specified by the city. If no time period is specified, the period shall be thirty (30) days.

PUBLIC ENTITY: A legal entity that constitutes or is part of the government, whether at local, state or federal level.

RESTORATION: The repair of a right of way, highway, roadway, or other area disrupted by the construction of a facility.

RIGHT OF WAY OR RIGHTS OF WAY: Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the city has the right and authority to authorize, regulate or permit the location of facilities other than those of the city. "Right of way" or "rights of way" shall not include any real or personal city property that is not specifically described in the previous two (2) sentences and shall not include city buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right of way.

ROADWAY: That part of the highway that includes the pavement and shoulders.

SALE OF TELECOMMUNICATIONS AT RETAIL: The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

SECURITY FUND: That amount of security required pursuant to section [7-8-10](#) of this chapter.

SHOULDER: A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

[SMALL CELL FACILITIES:](#) A Personal Wireless Telecommunications Facility consisting of an antenna and related equipment either installed singly or as part of a network to provide coverage or enhance capacity in a limited defined area. Generally single-service provide installation.

SOUND ENGINEERING JUDGMENT: A decision(s) consistent with generally accepted engineering principles, practices and experience.

TELECOMMUNICATIONS: This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated nontraffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission.

"Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end to end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the cable communications act of 1984 (47 USC section 521 and following), as now or hereafter amended, or

cable or other programming services subject to an open video system fee payable to the city through an open video system as defined in the rules of the federal communications commission (47 CFR section 76.1500 and following), as now or hereafter amended.

TELECOMMUNICATIONS PROVIDER: Any person that installs, owns, operates or controls facilities in the right of way used or designed to be used to transmit telecommunications in any form.

TELECOMMUNICATIONS RETAILER: Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

[TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers, and that is not a utility pole, an alternative antenna structure, or a City-owned infrastructure.](#)

TRENCH: A relatively narrow open excavation for the installation of an underground facility.

UTILITY: The individual or entity owning or operating any "facility" as defined in this chapter.

[UTILITY POLE: An upright pole designed and used to support electric cables, telephone cables, telecommunication cables, cable service cables, which are used to provide lighting, traffic control, signage, or a similar function.](#)

VENT: A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

VIDEO SERVICE: That term as defined in section 21-201(v) of the Illinois cable and video competition law of 2007, 220 Illinois Compiled Statutes 21-201(v).

WATER LINES: Pipelines carrying raw or potable water.

WET BORING: Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material. (Ord. 2007-97, 12-18-2007)

[WI-FI ANTENNA: An antenna used to support Wi-Fi broadband Internet access service based on the IEEE 802.11 standard that typically uses unlicensed spectrum to enable communication between devices.](#)

7-8-3: ANNUAL REGISTRATION REQUIRED:

Every utility that occupies right of way within the city shall register on January 1 of each year with the engineer, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right of way and a twenty four (24) hour telephone number for each such person, and evidence of insurance as required in section [7-8-8](#) of this chapter, in the form of a certificate of insurance. (Ord. 2007-97, 12-18-2007)

7-8-4: PERMIT REQUIRED; APPLICATIONS AND FEES:

A. Permit Required: No person shall construct (as defined in this chapter) any facility on, over, above, along, upon, under, across, or within any city right of way which: 1) changes the location of the facility, 2) adds a new facility, 3) disrupts the right of way (as defined in this chapter), or 4) materially increases the amount of area or space occupied by the facility on, over, above, along,

under, across or within the right of way, without first filing an application with the city engineer and obtaining a permit from the city therefor, except as otherwise provided in this chapter. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right of way.

B. Permit Application: All applications for permits pursuant to this chapter shall be filed on a form provided by the city and shall be filed in such number of duplicate copies as the city may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

C. Minimum General Application Requirements: The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

1. The utility's name and address and telephone and telecopy numbers;
2. The applicant's name and address, if different than the utility, its telephone and telecopy numbers, e-mail address, and its interest in the work;
3. The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
4. A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
5. Evidence that the utility has placed on file with the city:
 - a. A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the "Illinois Manual On Uniform Traffic Control Devices", to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
 - b. An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the city and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this section unless the city finds that additional information or assurances are needed;
6. Drawings, plans and specifications showing the work proposed, including the certification of an Illinois licensed professional engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
7. Evidence of insurance as required in section [7-8-8](#) of this chapter;

8. Evidence of posting of the security fund as required in section [7-8-10](#) of this chapter;
9. Any request for a variance from one or more provisions of this chapter (see section [7-8-21](#) of this chapter); and
10. Such additional information as may be reasonably required by the city.

D. Supplemental Application Requirements For Specific Types Of Utilities: In addition to the requirements of subsection C of this section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

1. In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "certificate of public convenience and necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
2. In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
3. In the case of water lines, indicate that all requirements of the Illinois environmental protection agency, division of public water supplies, have been satisfied;
4. In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois environmental protection agency, division of water pollution control, the metropolitan water reclamation district, and the Yorkville-Bristol sanitary district have been satisfied; or
5. In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

E. Applicant's Duty To Update Information: Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the city within thirty (30) days after the change necessitating the amendment.

F. Application Fees: Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this chapter shall be accompanied by a fee in the amount of fifty dollars (\$50.00). No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the electricity infrastructure maintenance fee act. (Ord. 2007-97, 12-18-2007)

7-8-5: ACTION ON PERMIT APPLICATIONS:

A. City Review Of Permit Applications: Completed permit applications, containing all required documentation, shall be examined by the city engineer within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the city engineer shall reject such application in writing, stating the reasons therefor. If the city engineer is satisfied that the proposed work conforms to the requirements of this chapter and applicable ordinances, codes, laws, rules, and regulations, the city engineer shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the city engineer, that the construction proposed under the application shall be in full compliance with the requirements of this chapter.

B. Additional City Review Of Applications Of Telecommunications Retailers:

1. Pursuant to section 4 of the telephone company act, 220 Illinois Compiled Statutes 65/4, a telecommunications retailer shall notify the city that it intends to commence work governed by this chapter for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the city not less than forty five (45) days prior to the commencement of work requiring no excavation and not less than forty five (45) days prior to the commencement of work requiring excavation. The city engineer shall specify the portion of the right of way upon which the facility may be placed, used and constructed.
2. In the event that the city engineer fails to provide such specification of location to the telecommunications retailer within either: a) forty five (45) days after service of notice to the city by the telecommunications retailer in the case of work not involving excavation for new construction or b) forty five (45) days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this chapter.
3. Upon the provision of such specification by the city, where a permit is required for work pursuant to section [7-8-4](#) of this chapter the telecommunications retailer shall submit to the city an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of subsection A of this section.

C. Additional City Review Of Applications Of Holders Of State Authorization Under The Cable And Video Competition Law Of 2007: Applications by a utility that is a holder of a state issued authorization under the cable and video competition law of 2007 shall be deemed granted forty five (45) days after submission to the city, unless otherwise acted upon by the city, provided the holder has complied with applicable city codes, ordinances, and regulations. (Ord. 2007-97, 12-18-2007)

7-8-6: EFFECT OF PERMIT:  

A. Authority Granted; No Property Right Or Other Interest Created: A permit from the city authorizes a permittee to undertake only certain activities in accordance with this chapter on city rights of way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights of way.

B. Duration: No permit issued under this chapter shall be valid for a period longer than six (6) months unless construction is actually begun within that period and is thereafter diligently pursued to completion.

C. Preconstruction Meeting Required: No construction shall begin pursuant to a permit issued under this chapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a preconstruction meeting. The preconstruction meeting shall be held at a date, time and place designated by the city with such city representatives in attendance as the city deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights of way by the public during construction, and access and egress by adjacent property owners.

D. Compliance With All Laws Required: The issuance of a permit by the city does not excuse the permittee from complying with other requirements of the city and applicable statutes, laws, ordinances, rules, and regulations. (Ord. 2007-97, 12-18-2007)

7-8-7: REVISED PERMIT DRAWINGS:

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the city within ninety (90) days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this chapter, it shall be treated as a request for variance in accordance with section [7-8-21](#) of this chapter. If the city denies the request for a variance, then the permittee shall either remove the facility from the right of way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefore. (Ord. 2007-97, 12-18-2007)

7-8-8: INSURANCE:

A. Required Coverages And Limits: Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right of way or constructing any facility in the right of way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the city, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in subsections A1 and A2 of this section:

1. Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X", "C", and "U" coverages) and products-completed operations coverage with limits not less than:

- a. Five million dollars (\$5,000,000.00) for bodily injury or death to each person;
- b. Five million dollars (\$5,000,000.00) for property damage resulting from any one accident; and
- c. Five million dollars (\$5,000,000.00) for all other types of liability;
4. Automobile liability for owned, non-owned and hired vehicles with a combined single limit of one million dollars (\$1,000,000.00) for personal injury and property damage for each accident;
3. Workers' compensation with statutory limits; and
4. Employer's liability insurance with limits of not less than one million dollars (\$1,000,000.00) per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this section.

B. Excess Or Umbrella Policies: The coverages required by this section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

C. Copies Required: The utility shall provide copies of any of the policies required by this section to the city within ten (10) days following receipt of a written request therefor from the city.

D. Maintenance And Renewal Of Required Coverages: The insurance policies required by this section shall contain the following endorsement:

It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the City, by registered mail or certified mail, return receipt requested, of a written notice addressed to the City Mayor of such intent to cancel or not to renew.

Within ten (10) days after receipt by the city of said notice, and in no event later than ten (10) days prior to said cancellation, the utility shall obtain and furnish to the city evidence of replacement insurance policies meeting the requirements of this section.

E. Self-Insurance: A utility may self-insure all or a portion of the insurance coverage and limit requirements required by subsection A of this section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under subsection A of this section, or the requirements of subsections B, C and D of this section. A utility that elects to self-insure shall provide to the city evidence sufficient to

demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under subsection A of this section, such as evidence that the utility is a "private self-insurer" under the workers' compensation act.

F. Effect Of Insurance And Self-Insurance On Utility's Liability: The legal liability of the utility to the city and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

G. Insurance Companies: All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the state of Illinois. All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company. (Ord. 2007-97, 12-18-2007)

7-8-9: INDEMNIFICATION:

By occupying or constructing facilities in the right of way, a utility shall be deemed to agree to defend, indemnify and hold the city and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights of way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this chapter by the city, its officials, officers, employees, agents or representatives. (Ord. 2007-97, 12-18-2007)

7-8-10: SECURITY:

A. Purpose: The permittee shall establish a security fund in a form and in an amount as set forth in this section. The security fund shall be continuously maintained in accordance with this section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The security fund shall serve as security for:

1. The faithful performance by the permittee of all the requirements of this chapter;
2. Any expenditure, damage, or loss incurred by the city occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the city issued pursuant to this chapter; and
3. The payment by permittee of all liens and all damages, claims, costs, or expenses that the city may pay or incur by reason of any action or nonperformance by permittee in violation of this chapter including, without limitation, any damage to public property or restoration work the permittee is

required by this chapter to perform that the city must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the city from the permittee pursuant to this chapter or any other applicable law.

B. Form: The permittee shall provide the security fund to the city in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the city, or an unconditional letter of credit in a form acceptable to the city. Any surety bond or letter of credit provided pursuant to this subsection shall, at a minimum:

1. Provide that it will not be canceled without ninety (90) day prior cancellation notice to the city and the permittee;
2. Not require the consent of the permittee prior to the collection by the city of any amounts covered by it; and
3. Shall provide a location convenient to the city and within the state of Illinois at which it can be drawn.

C. Amount: The dollar amount of the security fund shall be sufficient to provide for the reasonably estimated cost to restore the right of way to at least as good a condition as that existing prior to the construction under the permit, as determined by the city engineer, and may also include reasonable, directly related costs that the city estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the city, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the city engineer may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the security fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this subsection for any single phase.

D. Withdrawals: The city, upon fourteen (14) days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this subsection, may withdraw an amount from the security fund, provided that the permittee has not reimbursed the city for such amount within the fourteen (14) day notice period. Withdrawals may be made if the permittee:

1. Fails to make any payment required to be made by the permittee hereunder;
2. Fails to pay any liens relating to the facilities that are due and unpaid;
3. Fails to reimburse the city for any damages, claims, costs or expenses which the city has been compelled to pay or incur by reason of any action or nonperformance by the permittee; or
4. Fails to comply with any provision of this chapter that the city determines can be remedied by an expenditure of an amount in the security fund.

E. Replenishment: Within fourteen (14) days after receipt of written notice from the city that any amount has been withdrawn from the security fund, the permittee shall restore the security fund to the amount specified in subsection C of this section.

F. Interest: The permittee may request that any and all interest accrued on the amount in the security fund be returned to the permittee by the city, upon written request for said withdrawal to the city, provided that any such withdrawal does not reduce the security fund below the minimum balance required in subsection C of this section.

G. Closing And Return Of Security Fund: Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the security fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the city for failure by the permittee to comply with any provisions of this chapter or other applicable law. In the event of any revocation of the permit, the security fund, and any and all accrued interest therein, shall become the property of the city to the extent necessary to cover any reasonable costs, loss or damage incurred by the city as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

H. Rights Not Limited: The rights reserved to the city with respect to the security fund are in addition to all other rights of the city, whether reserved by this chapter or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said security fund shall affect any other right the city may have. Notwithstanding the foregoing, the city shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated. (Ord. 2007-97, 12-18-2007)

7-8-11: PERMIT SUSPENSION AND REVOCATION:

A. City Right To Revoke Permit: The city may revoke or suspend a permit issued pursuant to this chapter for one or more of the following reasons:

1. Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
2. Noncompliance with this chapter;
3. Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights of way presents a direct or imminent threat to the public health, safety, or welfare; or
4. Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

B. Notice Of Revocation Or Suspension: The city shall send written notice of its intent to revoke or suspend a permit issued pursuant to this chapter stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this section.

C. Permittee Alternatives Upon Receipt Of Notice Of Revocation Or Suspension: Upon receipt of a written notice of revocation or suspension from the city, the permittee shall have the following options:

1. Immediately provide the city with evidence that no cause exists for the revocation or suspension;
2. Immediately correct, to the satisfaction of the city, the deficiencies stated in the written notice, providing written proof of such correction to the city within five (5) working days after receipt of the written notice of revocation; or
3. Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights of way and restore the rights of way to the satisfaction of the city providing written proof of such removal to the city within ten (10) days after receipt of the written notice of revocation.

The city may, in its discretion, for good cause shown, extend the time periods provided in this subsection.

D. Stop Work Order: In addition to the issuance of a notice of revocation or suspension, the city may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within subsection A of this section.

E. Failure Or Refusal Of The Permittee To Comply: If the permittee fails to comply with the provisions of subsection C of this section, the city or its designee may, at the option of the city: 1) correct the deficiencies; 2) upon not less than twenty (20) days' notice to the permittee, remove the subject facilities or equipment; or 3) after not less than thirty (30) days' notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the city. The permittee shall be liable in all events to the city for all costs of removal. (Ord. 2007-97, 12-18-2007)

7-8-12: CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL

STATUS:  

A. Notification Of Change: A utility shall notify the city no less than thirty (30) days prior to the transfer of ownership of any facility in the right of way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this chapter, with respect to the work and facilities in the right of way.

B. Amended Permit: A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the city's right of way.

C. Insurance And Bonding: All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer. (Ord. 2007-97, 12-18-2007)

7-8-13: GENERAL CONSTRUCTION STANDARDS:

A. Standards And Principles: All construction in the right of way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

1. "Standard Specifications For Road And Bridge Construction";
2. "Supplemental Specifications And Recurring Special Provisions";
3. "Highway Design Manual";
4. "Highway Standards Manual";
5. "Standard Specifications For Traffic Control Items";
6. "Illinois Manual On Uniform Traffic Control Devices" (92 Ill. adm. code section 545);
7. "Flagger's Handbook"; and
8. "Work Site Protection Manual For Daylight Maintenance Operations".

B. Interpretation Of Municipal Standards And Principles: If a discrepancy exists between or among differing principles and standards required by this chapter, the city engineer shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the city engineer shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future. (Ord. 2007-97, 12-18-2007)

7-8-14: TRAFFIC CONTROL:

A. Minimum Requirements: The city's minimum requirements for traffic protection are contained in IDOT's "Illinois Manual On Uniform Traffic Control Devices" and this code.

B. Warning Signs, Protective Devices, And Flaggers: The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights of way.

C. Interference With Traffic: All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

D. Notice When Access Is Blocked: At least forty eight (48) hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to section [7-8-20](#) of this chapter, the utility shall provide such notice as is practicable under the circumstances.

E. Compliance: The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the city. (Ord. 2007-97, 12-18-2007)

7-8-15: LOCATION OF FACILITIES:

A. General Requirements: In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.

1. No Interference With City Facilities: No utility facilities shall be placed in any location if the city engineer determines that the proposed location will require the relocation or displacement of any of the city's utility facilities or will otherwise interfere with the operation or maintenance of any of the city's utility facilities.
2. Minimum Interference And Impact: The proposed location shall cause only the minimum possible interference with the use of the right of way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right of way.
3. No Interference With Travel: No utility facility shall be placed in any location that interferes with the usual travel on such right of way.
4. No Limitations On Visibility: No utility facility shall be placed in any location so as to limit visibility of or by users of the right of way.

5. Size Of Utility Facilities: The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

B. Parallel Facilities Located Within Highways:

1. Overhead Parallel Facilities: An overhead parallel facility may be located within the right of way lines of a highway only if:

- a. Lines are located as near as practicable to the right of way line and as nearly parallel to the right of way line as reasonable pole alignment will permit;
- b. Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (2') (0.6 m) behind the face of the curb, where available;
- c. Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (4') (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;
- d. No pole is located in the ditch line of a highway; and
- e. Any ground mounted appurtenance is located within one foot (1') (0.3 m) of the right of way line or as near as possible to the right of way line.

2. Underground Parallel Facilities: An underground parallel facility may be located within the right of way lines of a highway only if:

- a. The facility is located as near the right of way line as practicable and not more than eight feet (8') (2.4 m) from and parallel to the right of way line;
- b. A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
- c. In the case of an underground power or communications line, the facility shall be located as near the right of way line as practicable and not more than five feet (5') (1.5 m) from the right of way line and any above grounded appurtenance shall be located within one foot (1') (0.3 m) of the right of way line or as near as practicable.

C. Facilities Crossing Highways:

1. No Future Disruption: The construction and design of crossing facilities installed between the ditch lines or curb lines of city highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.

2. Cattle Passes, Culverts, Or Drainage Facilities: Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.

3. Ninety Degree Crossing Required: Crossing facilities shall cross at or as near to a ninety degree (90°) angle to the centerline as practicable.

4. Overhead Power Or Communication Facility: An overhead power or communication facility may cross a highway only if:

a. It has a minimum vertical line clearance as required by ICC's rules entitled, "construction of electric power and communication lines" (83 Ill. adm. code 305);

b. Poles are located within one foot (1') (0.3 m) of the right of way line of the highway and outside of the clear zone; and

c. Overhead crossings at major intersections are avoided.

5. Underground Power Or Communication Facility: An underground power or communication facility may cross a highway only if:

a. The design materials and construction methods will provide maximum maintenance free service life; and

b. Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.

6. Markers: The city may require the utility to provide a marker at each right of way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current federal regulations (49 CFR section 192.707 (1989)).

D. Facilities To Be Located Within Particular Rights Of Way: The city may require that facilities be located within particular rights of way that are not highways, rather than within particular highways.

E. Freestanding Facilities:

1. The city may restrict the location and size of any freestanding facility located within a right of way.

2. The city may require any freestanding facility located within a right of way to be screened from view.

F. Facilities Installed Aboveground: Aboveground facilities may be installed only if:

1. No other existing facilities in the area are located underground;

2. New underground installation is not technically feasible; and
3. The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.
4. No more than two (2) personal wireless telecommunications facilities will be permitted on utility poles or Alternative Antenna Structure of ninety (90) feet or less.
5. No more than three (3) personal wireless telecommunications facilities will be permitted on utility poles or Alternative Antenna Structure in excess of ninety (90) feet and less than one-hundred and twenty (120) feet.
6. Personal wireless telecommunication facilities may be attached to a utility pole, alternative antenna structure, monopole, or City-owned infrastructure only where such pole, structure or infrastructure is located no closer than a distance equal to one hundred (100) percent of the height of such a facility to any residential building and no closer than three hundred (300) feet from any other personal wireless telecommunication facility.
7. The personal wireless telecommunication antenna, including antenna panels, whip antennas or dish-shaped antennas, cannot have a surface area of more than seven (7) cubic feet in volume.
8. The total combined volume of all above-ground equipment and appurtenances comprising a personal wireless telecommunication facility, exclusive of the antenna itself, cannot exceed thirty-two (32) cubic feet.
9. The operator of a personal wireless telecommunication facility must, whenever possible, locate the base of the equipment or appurtenances at a height of no lower than eight (8) feet above grade.
10. The top of the highest point of the antenna cannot extend more than seven (7) feet above the highest point of the utility pole, alternative antenna support structure, tower or City-owned infrastructure. If necessary, the new replacement or new utility pole, alternative antenna support structure, or City-owned infrastructure located within the public right of way may be no more than ten (10) feet higher than existing poles adjacent to the replacement or new pole structure, or no more than ninety (90) feet in height overall, whichever is less.
11. A personal wireless telecommunication facility, including all related equipment and appurtenances, must be a color that blends with the surrounding pole, structure tower or infrastructure on which it is mounted and use non-reflective materials which blend with the materials and colors of the surrounding area and structures. Any wiring must be covered with an appropriate cover.
12. Extensions to utility poles, alternative support structures, towers and City-owned infrastructure utilized for the purpose of connecting a personal wireless telecommunications antenna and its related personal wireless telecommunications equipment must have a degree of strength capable of supporting the antenna and any related appurtenances and cabling and capable of withstanding wind forces and ice loads in accordance with the applicable structural integrity standards (National Electric Safety Code, ANSI, and EIA). The evaluation of the structural integrity must be prepared by a professional structural engineer licensed in the State of Illinois. An extension must be securely

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[bound to the utility pole, alternative antenna structure, tower or City-owned infrastructure in accordance with applicable engineering standards for the design and attachment of such extensions.](#)

G. Facility Attachments To Bridges Or Roadway Structures:

1. Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
2. A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
 - a. The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
 - b. The type, length, value, and relative importance of the highway structure in the transportation system;
 - c. The alternative routings available to the utility and their comparative practicability;
 - d. The proposed method of attachment;
 - e. The ability of the structure to bear the increased load of the proposed facility;
 - f. The degree of interference with bridge maintenance and painting;
 - g. The effect on the visual quality of the structure; and
 - h. The public benefit expected from the utility service as compared to the risk involved.

H. Appearance Standards:

1. The city may prohibit the installation of facilities in particular locations in order to preserve visual quality.
2. A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right of way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed. (Ord. 2007-97, 12-18-2007)

7-8-16: CONSTRUCTION METHODS AND MATERIALS:  

A. Standards And Requirements For Particular Types Of Construction Methods:

1. Boring Or Jacking:

- a. Pits And Shoring: Boring or jacking under rights of way shall be accomplished from pits located at a minimum distance specified by the city director of public works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than forty eight (48) hours in advance of boring or jacking operations and backfilled within forty eight (48) hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
- b. Wet Boring Or Jetting: Wet boring or jetting shall not be permitted under the roadway.
- c. Borings With Diameters Greater Than Six Inches: Borings over six inches (6") (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (1") (25 mm).
- d. Borings With Diameters Six Inches Or Less: Borings of six inches (6") or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
- e. Tree Preservation: Any facility located within the drip line of any tree designated by the city to be preserved or protected shall be bored under or around the root system.

2. Trenching: Trenching for facility installation, repair, or maintenance on rights of way shall be done in accord with the applicable portions of section 603 of IDOT's "Standard Specifications For Road And Bridge Construction".

- a. Length: The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe/line testing. Only one-half ($\frac{1}{2}$) of any intersection may have an open trench at any time unless special permission is obtained from the city engineer.
- b. Open Trench And Excavated Material: Open trench and windrowed excavated material shall be protected as required by [chapter 6](#) of the "Illinois Manual On Uniform Traffic Control Devices". Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right of way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off road location.
- c. Drip Line Of Trees: The utility shall not trench within the drip line of any tree designated by the city to be preserved.

3. Backfilling:

- a. Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications For Road And Bridge Construction". When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
- b. For a period of three (3) years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the

facility. If so ordered by the engineer, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the engineer.

4. Pavement Cuts: Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this subsection A4 is permitted under section [7-8-21](#) of this chapter, the following requirements shall apply:

- a. Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-7 gradation, as designated by the engineer.
- b. Restoration of pavement, in kind, shall be accomplished as soon as practicable and at twice the amount of the existing pavement depth, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the city.
- c. All saw cuts shall be full depth.
- d. For all rights of way which have been reconstructed with a concrete surface/base in the last seven (7) years, or resurfaced in the last three (3) years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a JULIE locate.

5. Encasement:

- a. Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one piece fabrication or by welding or jointed installation approved by the city.
- b. The venting, if any, of any encasement shall extend within one foot (1') (0.3 m) of the right of way line. No aboveground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
- c. In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or city approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the city. Bell and spigot type pipe shall be encased regardless of installation method.
- d. In the case of gas pipelines of sixty (60) psig or less, encasement may be eliminated.
- e. In the case of gas pipelines or petroleum products pipelines with installations of more than sixty (60) psig, encasement may be eliminated only if: 1) extra heavy pipe is used that precludes future maintenance or repair and 2) cathodic protection of the pipe is provided.
- f. If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right of way.

6. Minimum Cover Of Underground Facilities: Cover shall be provided and maintained at least in the amount specified in the Yorkville subdivision control ordinances 2000-2, as amended from time to time.

B. Standards And Requirements For Particular Types Of Facilities:

1. Electric Power Or Communication Lines:

a. Code Compliance: Electric power or communications facilities within city rights of way shall be constructed, operated, and maintained in conformity with the provisions of 83 Illinois administrative code part 305 (formerly general order 160 of the Illinois commerce commission) entitled "rules for construction of electric power and communication lines", and the national electrical safety code.

b. Overhead Facilities: Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guywires are equipped with guy guards for maximum visibility.

c. Underground Facilities:

(1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.

(2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: a) the crossing is installed by the use of "moles", "whip augers", or other approved methods which compress the earth to make the opening for cable installation or b) the installation is by the open trench method which is only permitted prior to roadway construction.

(3) Cable shall be grounded in accordance with the national electrical safety code.

d. Burial Of Drops: All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snow drops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the city. Weather permitting, utilities shall bury all temporary drops, excluding snow drops, within ten (10) business days after placement.

2. Underground Facilities Other Than Electric Power Or Communication Lines: Underground facilities other than electric power or communication lines may be installed by:

a. The use of "moles", "whip augers", or other approved methods which compress the earth to move the opening for the pipe;

b. Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;

c. Open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or

d. Tunneling with vented encasement, but only if installation is not possible by other means.

3. Gas Transmission, Distribution And Service: Gas pipelines within rights of way shall be constructed, maintained, and operated in a city approved manner and in conformance with the federal code of the office of pipeline safety operations, department of transportation, part 192 - transportation of natural and other gas by pipeline: minimum federal safety standards (49 CFR section 192), IDOT's "Standard Specifications For Road And Bridge Construction", and all other applicable laws, rules, and regulations.
4. Petroleum Products Pipelines: Petroleum products pipelines within rights of way shall conform to the applicable sections of ANSI standard code for pressure piping (liquid petroleum transportation piping systems ANSI-B 31.4).
5. Water Lines, Sanitary Sewer Lines, Storm Water Sewer Lines Or Drainage Lines: Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights of way shall meet or exceed the recommendations of the current "Standard Specifications For Water And Sewer Main Construction In Illinois" and "Yorkville's Standard Specifications For Improvements".
6. Ground Mounted Appurtenances: Ground mounted appurtenances to overhead or underground facilities, when permitted within a right of way, shall be provided with a vegetation free area extending one foot (1') (305 mm) in width beyond the appurtenance in all directions. The vegetation free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the engineer. With the approval of the engineer, shrubbery surrounding the appurtenance may be used in place of vegetation free area. The housing for ground mounted appurtenances shall be painted a neutral color to blend with the surroundings.

C. Materials:

1. General Standards: The materials used in constructing facilities within rights of way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standard Specifications For Road And Bridge Construction", the requirements of the Illinois commerce commission, or the standards established by other official regulatory agencies for the appropriate industry.
2. Material Storage On Right Of Way: No material shall be stored on the right of way without the prior written approval of the city engineer. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right of way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right of way maintenance or damage to the right of way and other property. If material is to be stored on right of way, prior approval must be obtained from the city.
3. Hazardous Materials: The plans submitted by the utility to the city shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

D. Operational Restrictions:

1. Construction operations on rights of way may, at the discretion of the city, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and

welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right of way or other property.

2. These restrictions may be waived by the engineer when emergency work is required to restore vital utility services.
3. Unless otherwise permitted by the city, the hours of construction are those set forth in section [8-1-2B](#) of this code.

E. Location Of Existing Facilities: Any utility proposing to construct facilities in the city shall contact JULIE and ascertain the presence and location of existing aboveground and underground facilities within the rights of way to be occupied by its proposed facilities. The city will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the city or by JULIE, a utility shall locate and physically mark its underground facilities within forty eight (48) hours, excluding weekends and holidays, in accordance with the Illinois underground facilities damage prevention act¹. (Ord. 2007-97, 12-18-2007)

7-8-17: VEGETATION CONTROL:

A. Electric Utilities; Compliance With State Laws And Regulations: An electric utility shall conduct all tree trimming and vegetation control activities in the right of way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the city as permitted by law.

B. Other Utilities; Tree Trimming Permit Required: Tree trimming that is done by any other utility with facilities in the right of way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this chapter.

1. Application For Tree Trimming Permit: Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.
2. Damage To Trees: Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The city will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The city may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

C. Specimen Trees Or Trees Of Special Significance: The city may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

D. Chemical Use:

1. Except as provided in the following subsection, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the city for any purpose, including the control of growth, insects or disease.
2. Spraying of any type of brush killing chemicals will not be permitted on rights of way unless the utility demonstrates to the satisfaction of the engineer that such spraying is the only practicable method of vegetation control. (Ord. 2007-97, 12-18-2007)

7-8-18: REMOVAL, RELOCATION, OR MODIFICATIONS OF UTILITY

FACILITIES:

A. Notice: Within ninety (90) days following written notice from the city, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights of way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any city improvement in or upon, or the operations of the city in or upon, the rights of way.

B. Removal Of Unauthorized Facilities: Within thirty (30) days following written notice from the city, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights of way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights of way. A facility is unauthorized and subject to removal in the following circumstances:

1. Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
2. If the facility was constructed or installed without the prior grant of a license or franchise, if required;
3. If the facility was constructed or installed without prior issuance of a required permit in violation of this chapter; or
4. If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

C. Emergency Removal Or Relocation Of Facilities: The city retains the right and privilege to cut or move any facilities located within the rights of way of the city, as the city may determine to be

necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

D. Abandonment Of Facilities: Upon abandonment of a facility within the rights of way of the city, the utility shall notify the city within ninety (90) days. Following receipt of such notice the city may direct the utility to remove all or any portion of the facility if the city engineer determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the city does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the city, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person. (Ord. 2007-97, 12-18-2007)

7-8-19: CLEANUP AND RESTORATION:

The utility shall submit a landscape restoration plan to the city engineer for approval. The utility shall remove all excess material and restore all turf and terrain and other property within ten (10) days after any portion of the rights of way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the city engineer. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the city engineer in the landscape restoration plan. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right of way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this section may be extended by the city engineer for good cause shown. (Ord. 2007-97, 12-18-2007)

7-8-20: MAINTENANCE AND EMERGENCY MAINTENANCE:

A. General: Facilities on, over, above, along, upon, under, across, or within rights of way are to be maintained by or for the utility in a manner satisfactory to the city and at the utility's expense.

B. Emergency Maintenance Procedures: Emergencies may justify noncompliance with normal procedures for securing a permit:

1. If an emergency creates a hazard on the traveled portion of the right of way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right of way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
2. In an emergency, the utility shall, as soon as possible, notify the city engineer or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the

nature of the emergency is such as to interfere with the free movement of traffic, the city police shall be notified immediately.

3. In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

C. Emergency Repairs: The utility must file in writing with the city a description of the repairs undertaken in the right of way within forty eight (48) hours after an emergency repair. (Ord. 2007-97, 12-18-2007)

7-8-21: VARIANCES:

A. Request For Variance: A utility requesting a variance from one or more of the provisions of this chapter must do so in writing to the city engineer as a part of the permit application. The request shall identify each provision of this chapter from which a variance is requested and the reasons why a variance should be granted.

B. Authority To Grant Variances: The city engineer shall decide whether a variance is authorized for each provision of this chapter identified in the variance request on an individual basis.

C. Conditions For Granting Of Variance: The city engineer may authorize a variance only if the utility requesting the variance has demonstrated that:

1. One or more conditions not under the control of the utility (such as terrain features or an irregular right of way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
2. All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

D. Additional Conditions For Granting Of A Variance: As a condition for authorizing a variance, the city engineer may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this chapter but which carry out the purposes of this chapter.

E. Right To Appeal: Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the city engineer under the provisions of this chapter shall have the right to appeal to the city council, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the city clerk within thirty

(30) days after the date of such order, requirement, decision or determination. The city council shall commence its consideration of the appeal at the council's next regularly scheduled meeting occurring at least seven (7) days after the filing of the appeal. The city council shall timely decide the appeal. (Ord. 2007-97, 12-18-2007)

7-8-22: PENALTIES:

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter shall be subject to fine in accordance with the penalty provisions of this code. There may be times when the city will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this chapter. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the city's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the city. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it. (Ord. 2007-97, 12-18-2007)

7-8-23: ENFORCEMENT:

Nothing in this chapter shall be construed as limiting any additional or further remedies that the city may have for enforcement of this chapter. (Ord. 2007-97, 12-18-2007)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): 220 ILCS 50/1 et seq.

Chapter 18

TELECOMMUNICATION TOWER AND ANTENNA REGULATIONS

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10-18-1: DEFINITIONS:

ALTERNATIVE TOWER STRUCTURE: Manmade trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas and towers.

ANTENNA: ~~Any structure or device used to receive or radiate electromagnetic waves as defined by the FCC or any successor agency. Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.~~

ANTENNA STRUCTURES: Those structures which include the radiating and/or receiving system, its supporting structures (see definition of Tower), and any appurtenance mounted thereon as defined by the FCC or any successor agency.

~~BACKHAUL NETWORK: The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.~~

FAA: The federal aviation administration.

FCC: The federal communications commission.

HEIGHT: When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and antenna structures.

NO-IMPACT ANTENNA AND TOWERS: A tower or antenna which is either: a) virtually invisible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple or similar structure, or b) camouflaged so as to blend in with its surroundings to such an extent that it is no more obtrusive to the casual observer than the structure on which it is: 1) placed, such as a rooftop, lighting standard, or existing tower, or 2) replacing, such as a school athletic field light standard.

PERSONAL WIRELESS FACILITY: Any facility for the provision of personal wireless services as defined by the FCC or any successor agency.

PERSONAL WIRELESS SERVICES: Commercial mobile services, unlicensed wireless services and

common carrier wireless exchange access services as defined by the FCC or any successor agency.

PREEXISTING TOWERS OR ANTENNAS: Any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date hereof, including permitted towers and antennas that have not yet been constructed so long as such approval is current and not expired.

TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

~~**TOWER AND ANTENNA ORDINANCE:** Shall refer to this chapter.~~

~~**UNLICENSED WIRELESS SERVICE:** That service which offers telecommunications services using duly authorized devices which do not require individual licenses issued by the FCC, but does not mean the provision of direct to home satellite services as defined by the FCC or any successor agency. (Ord. 2014-73, 11-25-2014)~~

10-18-2: APPLICABILITY:

- A. New Towers And Antennas: All new towers or antennas in Yorkville shall be subject to these regulations, except as provided in subsections B through D of this section inclusive.

- B. Amateur Radio Station Operator/Receive Only Antennas: This chapter shall not govern any tower, or the installation of any antenna, that is under eighty feet (80') in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas. No receive only antenna shall exceed the highest point on the nearest residential rooftop of a dwelling by more than ten feet (10').

- C. Preexisting Towers Or Antennas: Existing towers and existing antennas which predated this chapter, shall not be required to meet the requirements of this chapter other than the requirements of subsections [10-18-3F](#), H and R of this chapter. All preexisting towers and antennas shall be subject to the tower and antenna administrative fee.

- D. AM Array: For purposes of implementing this chapter, AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right. (Ord. 2014-73, 11-25-2014)

E. If the Tower and/or Antenna is situated within the Public Right of Way, such tower and/or antenna must meet the requirements of Chapter 8, Construction of Utility Facilities in Rights of Way

10-18-3: GENERAL REQUIREMENTS:

A. Special Or Accessory Use: Antennas and towers may be considered either special or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

B. Lot Size: For purposes of determining whether the installation of a tower or antenna complies with Yorkville's development regulations, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

C. Inventory Of Existing Sites: Each applicant for approval of an antenna and/or tower shall provide to the zoning officer an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Yorkville or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The zoning officer may share such information with other applicants applying for administrative approvals or special use permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of Yorkville, provided, however that the zoning officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

D. Aesthetics: Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural settings and surrounding buildings.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- E. Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- F. State Or Federal Requirements: All towers must meet or exceed current standards or regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more restrictive compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- G. Building Codes/Safety Standards: Any owner or operator of an antenna, antenna structure or tower shall maintain the antenna, antenna structure or tower in compliance with the standards contained in the current and applicable state or local building codes and the applicable standards for towers that are published by the national electrical code NFPA 70 and international building code; radio, television sec. 3108, as amended from time to time. If, upon inspection, the city of Yorkville concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring the antenna, antenna structure, or tower into compliance within the thirty (30) day period shall constitute grounds for the removal of the antenna, antenna structure or tower at the owner's expense.
- H. Measurement: For purposes of measurement, tower setbacks and tower separation distances shall be calculated and applied to facilities located in Yorkville irrespective of municipal and county jurisdictional boundaries.
- I. Not Essential Services: Antennas, antenna structures, and towers shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- J. Public Notice: For purposes of this chapter, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice and individual notice by the city of Yorkville to all abutting property owners and all properties that are located within two hundred fifty feet (250') of the zoning lot in question. Streets, alleys and watercourses shall not be considered in the determination of "abutting" nor in calculating the two hundred fifty feet (250').

K. Signs: No signs shall be allowed on an antenna or tower other than those required by the FCC.

L. Buildings And Support Equipment: Buildings and support equipment associated with antennas or towers shall comply with the requirements of subsection [10-18-5K](#) of this chapter.

M. Multiple Antenna/Tower Plan: The city of Yorkville encourages all plans for towers and antenna sites to be submitted in a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

N. Antenna On Existing Structures: Any antenna which is not attached to a tower may be approved by the city of Yorkville as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided:

1. The antenna does not extend more than thirty feet (30') above the highest point of the structure;
2. The antenna complies with all applicable FCC and FAA regulations; and
3. The antenna complies with all applicable building codes and safety standards as referenced in subsection G of this section.

O. Antennas On Existing Towers: An antenna which is attached to an existing tower may be approved by the zoning officer and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

1. Additional Antenna: A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the zoning officer allows reconstruction as a monopole.
2. Height:
 - a. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet (30') over the tower's existing height, such height not exceeding one hundred fifty feet (150') in total, to accommodate the collocation of an additional antenna.
 - b. The height change referred to in subsection O2a of this section may only occur one time per communication tower.

c. The additional height referred to in subsection O2a of this section shall not require an additional distance separation. The tower's premodification height shall be used to calculate such distance separations.

3. On Site Location:

a. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on site within fifty feet (50') of its existing location.

b. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

c. A relocated on site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers. The relocation of a tower hereunder shall in no way be deemed to cause a violation of this chapter.

d. The on site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in this zoning ordinance shall only be permitted when approved by the zoning officer.

4. New Towers In Nonresidential Zoning Districts: An applicant may locate any new tower in an O, B-1, B-2, B-3, B-4, M-1, M-2, or A-1 zoning district, provided that: a) a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; b) the zoning officer concludes the tower is in conformity with the goals set forth in this subsection O and the requirements of this subsection; c) the tower meets the setback and separation requirements in subsection [10-18-5E](#) of this chapter; and d) the tower meets the following height and usage criteria:

a. For a single user, up to and including one hundred twenty feet (120') in height;

b. For two (2) users, up to one hundred fifty feet (150') in height; and

c. For three (3) or more users, up to and including one hundred eighty feet (180') in height.

P. Roadway Access: All sites on which antennas, antenna structures and towers are located must have a passable roadway access of compacted macadam base not less than seven inches (7") thick surfaced with not less than two inches (2") of asphaltic concrete or some comparable dustless material.

Q. Fencing: The structures upon any site upon which an antenna, antenna structure, or tower is located shall be surrounded by an opaque screen which is no less than six feet (6') in height and equipped with an appropriate anticlimbing device. Screening materials shall include either wooden or chainlink fencing. Shrubbery and bushes shall be required, in addition to the wooden or chainlink fence, unless specifically waived by Yorkville in its discretion in appropriate cases.

R. Disguised Structures: The provider of an antenna, antenna structure, or tower may propose to disguise the proposed antenna, antenna structure or tower. Any such disguise must be aesthetically consistent with the character of the surrounding area and environment, and be constructed in such a manner where the health or safety of Yorkville residents shall not be endangered. Yorkville may require the disguise of an antenna, antenna structure or tower as a condition of approval of a building permit or special use permit if the antenna, antenna structure or tower is to be erected on a golf course or other public recreational area.

S. Annual Administrative Fee And Certifications:

1. The annual administration fee payable to the city of Yorkville by any owner and/or operator of an antenna, antenna structure, or tower shall be the sum of thirty five dollars (\$35.00) which shall be due on or before January 10 of each calendar year commencing with calendar year 2001.
2. In the event a tower is inspected and a certification provided by the owner and/or operator of said tower or related facility showing compliance with all regulations, the above fee shall be the only fee charged. In the event the owner and/or operator of an antenna, antenna structure, or tower fails to have the certification as is required annually to be filed with the city under the terms of this subsection, the owner and/or operator shall reimburse the city for the actual cost of the outside consultant the city deems necessary to conduct said inspection which shall be a minimum of three hundred fifty dollars (\$350.00) and any additional cost incurred therein.

The city of Yorkville reserves the right to increase or decrease the amount of the administrative fee as it deems necessary. A separate administrative fee shall be paid by each user or collocator on a tower.

T. Permit Required: Prior to the construction of an antenna, antenna structure or tower the provider of the radio, television, or telecommunications services shall obtain a permit from Yorkville for the erection of such antenna, antenna structure or tower. An applicant for a permit for an antenna, antenna structure, or tower shall pay a fee in accordance with the fee schedule set forth in [title 8, chapter 10](#) of this code, plus any reasonable legal, engineering, or consulting fees at the conclusion of the review.

U. Waiver Of Provisions: An applicant can request a waiver of any provision of this chapter upon the showing of appropriate justification and benefit to the public. Such request shall be treated as a request for a variance and the appropriate procedures thereto shall apply. (Ord. 2014-73, 11-25-2014)

10-18-4: PERMITTED USES:  

A. General: The following uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a special use permit.

B. Uses: Antennas, antenna structures and towers are specifically permitted in any zoning classification, except that part of any zoning district which is located in a floodplain, so long as said antennas or towers conform to the following and all other requirements of this title:

Antennas and towers located on property owned, leased, or otherwise controlled by Yorkville, particularly and expressly including Yorkville's water tower sites, and city hall and police station sites, provided that a lease authorizing such antenna, antenna structure, or tower has been approved by Yorkville.

Antennas or towers are permitted to be located on the Burlington Northern Railroad easement running southwest and northeast through Yorkville, subject to subsections [10-18-3A](#) through U of this chapter.

No-impact antennas and towers. (Ord. 2014-73, 11-25-2014)

10-18-5: SPECIAL USES AND ACCESSORY USES:

A. General Provisions:

1. Radio and telecommunications antennas, antenna structures and towers used for personal wireless facilities, personal wireless services, radio transmission, or television transmission shall be subject to the special use provisions contained within section [10-4-9](#) of this title and applications for special use permits shall be subject to the procedures and requirements of this title, except as modified in this chapter.
2. In granting a special use permit, the plan commission may impose conditions to the extent the plan commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
4. An applicant for a special use permit shall submit the information described in this section and a nonrefundable fee as established by resolution of the city council of Yorkville to reimburse Yorkville for the cost of reviewing the application.
5. Antennas, antenna structures and towers shall be allowed as special uses only consistent with all of the requirements of this chapter in the following zoning districts: R-1, single-family suburban residence - private school, church, golf course, public utility facilities, public service use facilities with radio or TV tower sites only; R-2, single-family traditional residence - private school, church, golf course, public utility facilities, public service use facilities with radio or TV tower sites only; B-1, local business district; B-2, retail commerce business district; B-3, general business district; B-4, service business district; and A-1, agricultural district.
6. Antennas, antenna structures and towers shall be allowed as a special use in the E-1, estate district if it is consistent with all of the requirements of this chapter and the following criteria:
 - a. The parcel that any antennas, antenna structures and towers are located on must be at least two (2) acres.

- b. The total height of the structure must be less than the distance from the base of the structure to the closest property line of all adjacent parcels.
- 7. Antennas, antenna structures and towers shall be allowed as accessory uses only consistent with all of the requirements of this chapter in the following zoning districts: M-1, limited manufacturing district, and M-2, general manufacturing district.

B. Information Required: In addition to any information required for applications for special use permits referenced above, each petitioner requesting a special use permit under this chapter for an antenna, antenna structures, and tower shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation signed and sealed by appropriate licensed professionals, showing the location, type and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, proposed means of access, parking, fencing, landscaping, adjacent uses, adjacent roadway, and other information deemed necessary by Yorkville to be necessary to assess compliance for this chapter. In addition, the following information shall be supplied:

1. Legal description of the parent track and leased parcel (if applicable);
2. The setback distance between the proposed structure and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned property;
3. The separation distance from other structures in the inventory of existing sites submitted pursuant to subsection [10-18-3C](#) of this chapter shall be shown on an updated site plan or map and the applicant shall also identify the type of construction of the existing structure(s) and the owner/operator of the existing structure(s), if known;
4. A landscape plan showing specific landscape materials;
5. The method of fencing and finish color and, if applicable, the method of camouflage and illumination;
6. A description of compliance with subsections [10-18-3C](#), E, F, G, H, I, and M of this chapter and all applicable federal, state or local laws;
7. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users;
8. Identification of the entities providing the backhaul network for the structure(s) described in the application and other cellular sites owned or operated by the applicant in Yorkville;
9. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower; and
10. A description of the feasible location(s) of future towers or antennas within Yorkville based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

11. An applicant shall be notified within thirty (30) days if the application is incomplete. The city shall make a decision on collocation within ninety (90) days and all other siting applications within one hundred fifty (150) days of the receipt of a completed application.

C. Factors Considered In Granting Special Use Permits: The city of Yorkville shall consider the following factors in determining whether to issue a special use permit above and beyond those factors referenced in section [10-4-9](#) of this title. The city of Yorkville may waive or reduce the burden on the petitioner of one or more of these criteria if Yorkville concludes that the goals of this chapter are better served thereby.

1. Height of the proposed antenna, antenna structure or tower;
2. Proximity of the antenna, antenna structure or tower to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the antenna, antenna structure or tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress.

D. Height: No antenna, antenna structure, or tower shall exceed a height of one hundred (100) linear feet in aerial height. Where an arm has been installed to facilitate collocation of an additional antenna on the existing antenna structure or tower, the arm shall not exceed a length of twelve (12) linear feet.

E. Setbacks And Separation:

1. Setbacks: Antennas, antenna structures or towers must be set back a distance equal to the height of the antenna, antenna structure, or tower from any off site, residential structure. Antenna structures, guylines, and equipment shelters must satisfy the minimum setback requirements for E-1, R-1, R-2, R-2D, B-1, B-2, B-3, B-4, M-1, M-2, and A-1 zoning districts.
2. Separation: The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the plan commission may reduce the standard separation requirements if the goals of this chapter would be better served thereby, or if enforcement of said setback would effectively prohibit said tower:
 - a. Separation From Off Site Uses/Designated Area:

(1) Tower separation shall be measured from the base of the tower to the lot line of the off site uses and/or designated areas as specified in table 10.18.01 of this section, except as otherwise provided in table 10.18.01 of this section.

(2) Separation requirements for towers shall comply with the minimum standards established in table 10.18.01 of this section.

TABLE 10.18.01
SEPARATION REQUIREMENTS

Off Site Use/Designated Area	Separation Distance
Single-family or duplex residential units principal building	500 feet
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	500 feet
Vacant unplatted residentially zoned lands, including unplatted residential use property without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex	500 feet
Existing multi-family residential units greater than duplex	100 feet or 100 percent of the tower height, whichever is greater
Nonresidentially zoned lands or nonresidential uses	None
The Fox River or any watercourse	500 feet, as measured from the shore
Major highways (as defined in the Yorkville comprehensive plan)	500 feet from the right of way

b. Separation Distances Between Towers:

(1) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in table 10.18.02 of this section.

TABLE 10.18.02
EXISTING TOWER SEPARATION DISTANCES

Existing Tower Type	Separation Distance			
	Lattice	Guyed	Monopole (Taller Than 75 Feet)	Monopole (Shorter Than 75 Feet)
Lattice	1,000	1,500	500	250
Guyed	1,000	1,750	1,500	1,250
Monopole (taller than 75 feet)	500	1,500	250	250
Monopole (shorter than 75 feet)	250	1,250	250	250

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F. Siting On Wetland Prohibited: No antenna, antenna structure, or tower shall be located in an area which has been designated as a wetland either by the city of Yorkville, Kendall County, the state of Illinois department of natural resources, the United States department of the interior or the United States army corps of engineers, and any and all governmental bodies and agencies having jurisdiction.

G. FCC Signage: To the extent that signage is required by the FCC on an antenna structure, or tower, that signage shall constitute no more than five percent (5%) of the square footage of the antenna, antenna structure, or tower or shall be no larger than is required by the FCC, whichever shall constitute the smallest signage area.

H. Preservation Of Landscape: Existing mature tree growth and natural landforms on the proposed antenna, antenna structure, or tower site shall be preserved to the maximum extent possible.

I. Utilities And Access Required: Radio and telecommunications antennas, antenna structures, and towers, including, but not limited to, those used for personal wireless services, personal wireless facilities and unlicensed wireless services, shall be required to include adequate utilities, access, and/or other facilities necessary for the servicing of the antenna, antenna structure or tower. All such utilities shall be buried.

J. Signal Interference: No signal transmission from any antenna, antenna structure, or tower shall interfere with police, fire, public works or any other governmental radio band signals. In the case of the possibility of such interference based upon the frequencies selected for the proposed antenna, antenna structure, or tower, the petition for special use shall be denied.

K. Equipment Shelter And Equipment Cabinets:

1. Equipment Shelter: A provider of a radio, television, or telecommunications antenna, antenna structure, or tower may provide an equipment shelter on the site of the antenna, antenna structure, or tower. The square footage of the equipment shelter may not exceed more than twenty percent (20%) of the total square footage of the antenna, antenna structure or tower ground site or four hundred fifty (450) square feet, whichever is greater. At any antenna, antenna structure, or tower site in which more than one antenna has been collocated, no more than three (3) equipment shelters shall be allowed. Multiple equipment shelters shall be contained under one roof if at all practicably possible. No equipment shelter shall be approved as part of the site plan unless appropriate electrical power and road ingress and egress facilities are planned for inclusion at the equipment shelter site.
2. Equipment Cabinets:
 - a. In residential districts, the equipment cabinet or structure may be located in a front or side yard provided the cabinet or structure is no greater than four feet (4') in height or twenty four (24) square feet of gross floor area and the cabinet/structure is located a minimum of six feet (6') from all lot lines. The cabinet/structure shall be screened by hedging or shrubbery with an ultimate height of at least forty two (42) to forty eight inches (48") and a planted height of at least thirty six inches (36").
 - b. In a rear yard, provided the cabinet or structure is no greater than six feet (6') in height or sixty four (64) square feet in gross floor area. The structure or cabinet shall be screened by hedging or shrubbery with an ultimate height of eight feet (8') and a planted height of at least thirty six inches (36"). In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet (6') in height or a hedge with an ultimate height of eight feet (8') and a planted height of thirty six inches (36").
 - c. In commercial or industrial districts the equipment cabinet or structure shall be no greater than six feet (6') in height or sixty four (64) square feet in gross floor area. The structure or cabinet shall be screened by a hedge or shrubbery with an ultimate height of eight feet (8') and a planted height of at least thirty six inches (36"). In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet (6') in height or a hedge with an ultimate height of eight feet (8') and a planted height of at least thirty six inches (36").

L. Code Requirements: Any antenna, antenna structure, or tower must meet code requirements established by the national electrical code, NFPA 70 and international building code; radio, television towers codes currently in effect as required by Yorkville and all applicable marking and lighting standards as established by the federal aviation administration.

M. Removal Of Abandoned Antennas, Antenna Structures, Or Towers: Any antenna, antenna structure, or tower that is not operated for a continuous period of twelve (12) months or for which the annual administrative fee is not paid within a twelve (12) month period shall be considered abandoned, and the owner of such antenna, antenna structure, or tower shall remove same from within ninety (90) days of receipt of written notice from Yorkville notifying the owner of such abandonment. If such antenna, antenna structure, or tower is not removed within said ninety (90)

days Yorkville shall remove such antenna, antenna structure, or tower at the owner's expense and file a lien against the real estate for the cost of removal or such other action as provided by law. If there are two (2) or more users of a single antenna, antenna structure, or tower, then this provision shall not become effective until all users cease using the antenna, antenna structure, or tower.

- N. Collocation: A request for approval of a special use permit for the installation of an antenna, alternative antenna, antenna structure or tower, the zoning board may by express condition require that the applicant shall allow, on a commercially reasonable basis, other providers of personal wireless telecommunications services to collocate additional antennas or antenna structures on a freestanding pole which is part of applicant's proposed personal wireless facility, where collocation is technologically feasible. (Ord. 2014-73, 11-25-2014)

10-18-6: NONCONFORMING USES:

- A. Prohibited Expansion Of Nonconforming Use: Towers that are constructed and antennas that are installed in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.
- B. Preexisting Towers: Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.
- C. Rebuilding Damaged Or Destroyed Nonconforming Antennas, Antenna Structures Or Towers: Notwithstanding any provision in this chapter to the contrary, bona fide nonconforming antennas, antenna structures or towers or antennas that are damaged or destroyed may be rebuilt without having first obtained administrative approval or a special use permit and without having to meet the separation requirements specified elsewhere in this chapter. The type, height, and location of the tower on site shall be of the same type and intensity as the original facility approved. Building permits to rebuild a facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained within the time specified or if said permit expires, the tower or antenna shall be deemed abandoned as specified in subsection [10-18-5M](#) of this chapter. (Ord. 2014-73, 11-25-2014)

10-18-7: ANNUAL REPORTING OF INFORMATION:

Each owner of an antenna, antenna structure, or tower regulated under this chapter, and including those previously existing structures which would have been regulated under this chapter, shall, on an annual basis, furnish Yorkville with such information as is required by Yorkville to aid with the administration of this chapter, such as changes in availability of space on any tower for collocation of additional antennas, plans to abandon a position on a tower, thereby leaving space for the possible collocation of another antenna, plans and/or willingness to modify said tower and antenna structure

so as to provide for the possibility of collocation, or intentions to abandon a tower structure, or other nonproprietary information as may be required by Yorkville. Upon written notice from the city of Yorkville to the owner thereof, the effective date of this chapter, which tower and/or antenna structure would otherwise be regulated by this chapter, shall register with Yorkville, and shall provide such nonproprietary information as is deemed useful by Yorkville for administration of this chapter. This section is specifically deemed to have retroactive effect. (Ord. 2014-73, 11-25-2014)



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

New Business #6

Tracking Number

EDC 2017-32

Agenda Item Summary Memo

Title: Text Amendments to Yorkville Zoning Ordinance

Meeting and Date: Economic Development Committee – May 2, 2017

Synopsis: Memo explains text amendments to the Zoning Ordinance regarding Health/Fitness Clubs and recommended definition and permitted land use standards.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Jason Engberg Community Development
Name Department

Agenda Item Notes:



Memorandum

To: Economic Development Committee
From: Jason Engberg, Senior Planner
CC: Bart Olson, City Administrator
Krysti J. Barksdale-Noble, Community Development Director
Date: April 18, 2017
Subject: **Text Amendments to Yorkville Zoning Ordinance**

Summary

Over the past several months, the City of Yorkville has received commercial permit applications for yoga studios, crossfit gyms, and other health and fitness clubs. Staff is recommending text amendments to the Zoning Ordinance to clarify the definition of these establishments and within which zoning districts they are permitted.

Background

In May of 2015, the Plan Commission was presented with a text amendment to the Zoning Ordinance regarding fitness clubs. Staff was receiving requests to open “Crossfit” type clubs in the M-1 Limited Manufacturing District. The Ordinance at that time only allowed “Health Clubs and Gymnasiums” in the B-2, B-3, and B-4 Business Districts. Therefore, it was recommended that these “Crossfit” types of uses should be considered a “Fitness Club” and be permitted in the M-1 Limited Manufacturing District. The addition of the fitness club category into the Zoning Ordinance also ensured that crossfit clubs were not considered acceptable home occupations.

The requested change was recommended for approval and adopted by the City Council in June of 2015. There are two issues which have arisen since this amendment was adopted in 2015. First, while the purpose and definition was explained in the initial memorandum to the Plan Commission, a definition for fitness club was never added into the Zoning Ordinance. This causes a problem when trying to identify the difference between a “health club” and a “fitness club” when reviewing commercial permit applications.

The other issue is with how the Zoning Ordinance separates these uses. The uses are similar in nature and should be allowed in the same districts. There is not a practical reason to only allow crossfit gyms in the manufacturing districts and only allow typical gyms in business districts. By only allowing each in their respective districts, it creates confusion to residents and staff as to why one use is allowed while the other very similar use is not allowed.

Proposed Revisions

In order to add clarity to the Zoning Ordinance and resolve the issues which have occurred recently, staff is recommending a text amendment to the Zoning Ordinance. The first revision will add a unified definition for “Health and Fitness Club/Center” in Section 10-2-3, which will include gyms, yoga studios, crossfit, or any other type of fitness studio. The second revision will create a new line for “Health and Fitness Club/Center” in Section 10-6-0: Table 10.06.03 Business Uses, which will permit this use in the B-2, B-3, B-4, and M-1 Districts. The last revision will eliminate the “Fitness clubs” line and the “Health club or gymnasium” line as they will now be one singular use. The exact revisions as they will appear in the Zoning Ordinance are attached to this memorandum for review.

Staff Recommendation

Staff believes these changes to the Zoning Ordinance will be beneficial to staff and business owners. By adding a definition and allowing these types of uses in all of the proposed districts, it will allow the permitting process to be more efficient as well as provide a larger availability for potential businesses without harming local community character. Since staff is recommending these revisions to the Zoning Ordinance, we are seeking feedback from the Economic Development Committee on these alterations.

Attachments

1. 10-2-3: Definitions | Health and Fitness Clubs/Centers Definition
2. 10-6-0: Use Tables: Table 10.06.03 Business Uses | Health and Fitness Clubs/Centers

FLOOR AREA, LIVABLE: Any floor area within outside walls of a residential building exclusive of areas in basements, lookout basements, unfinished attics, garages, open porches and accessory buildings, but including any area "roughed in" but not completed which is designed and intended for human occupancy.

FLOOR AREA RATIO: The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio as designated for each district when multiplied by the lot area in square feet shall determine the maximum permissible floor area for the building or buildings on the lot. (See section [10-2-4](#) of this chapter for diagram.)

FOOT-CANDLE: A unit of illumination, equivalent to the illumination at all points which are one foot (1') distant from a uniform point source of one candlepower.

FOOT-LAMBERT: A unit of brightness, usually of a reflecting surface. A diffusion surface of uniform brightness reflecting or emitting the equivalent of the light from one candle at one foot (1') distant over one square foot has a brightness of one foot-lambert.

FREQUENCY: The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

GARAGE, BUS: Any building used or intended to be used for the storage of three (3) or more passenger motor buses or motor coaches used in public transportation, excluding school buses.

GARAGE, PRIVATE: An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on; provided, that not more than one-half ($\frac{1}{2}$) of the space may be rented for the private vehicles of persons not resident on the premises; except, that all the space in a garage of one or two (2) car capacity may be so rented. Such a garage shall not be used for more than one commercial vehicle and the load capacity of such vehicle shall not exceed five (5) tons.

GASOLINE SERVICE STATION: A place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public on the premises, and including minor accessories and the services of automobiles, mechanical or manual washing of automobiles, but not including major automobile repairs. Gasoline service stations shall not include sale or storage of automobiles or trailers (new or used).

GOLF COURSE: A facility providing a private or public golf recreation area designed for regulation play along with accessory golf support facilities including golf related retail sales, restaurant, golf driving range but excluding miniature golf.

GOLF DRIVING RANGE: An area equipped with distance markers, clubs, balls and tees for practicing golf drives and putting which may include incidental retail sales and food services, but excludes miniature golf.

GRADE: The established grade of the street or sidewalk. Where no such grade has been established, the grade shall be the elevation of the sidewalk at the property line. Where no sidewalks exist, the grade shall be the average elevation of the street adjacent to the property line. Except in cases of unusual topographic conditions, as determined by the director of public works, grade shall be the average elevation of the finished surface of the ground adjoining the exterior walls of a building at the base of a structure based upon any technical advice that the director of public works deems necessary.

GROCERY STORE: Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products.

GROUP HOME: A single-family dwelling housing not more than eight (8) service dependent or developmentally disabled people living with professional care staff.

GUEST, PERMANENT: A person who occupies or has the right to occupy a lodging house, rooming house, boarding house, hotel, apartment hotel or motel accommodation as his domicile and place of permanent residence.

HEALTH AND FITNESS CLUB/CENTER: A facility which provides for individual or group exercise activities. Programs may include but are not limited to aerobics, calisthenics, weight training, running, swimming, court games, studio lessons and all types of instructional classes related to physical fitness. Health and Fitness Clubs/Centers may offer a variety of recreational and fitness amenities such as weightlifting machines, free weights, swimming pools, gymnasiums, studios, sport courts, shower and changing areas and may include incidental uses such as childcare facilities, food services, saunas, and pro shops oriented towards customers during their use of the club/center.

HOME OCCUPATION: An accessory use of a residential dwelling unit which complies with the requirements of section [10-3-9](#) of this title.

HOSPITAL: An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care, for not less than twenty four (24) hours in any week, of three (3) or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions. The term "hospital", as used in this title, does not apply to institutions operating solely for the treatment of mentally ill or chemically dependent persons, or other types of cases necessitating restraint of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter or boarding homes.

TABLE 10.06.03 BUSINESS USES

Land Use	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Fertilizer sales with storage and mixture	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Fitness clubs-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Forestation	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Funeral home/mortuary/ crematorium	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Furniture repair and refinishing	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Gasoline service station	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S
Golf course ²	S	-	S	P	P	P	P	P	P	-	-	-	-	-	-	-
Golf course, miniature	S	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Golf driving range	S	-	S	-	-	-	-	-	-	-	-	-	P	P	-	-
Grain elevators and storage	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Grocery store	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
<u>Health and Fitness Club/Center</u>	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-
Health club or gymnasium-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Heavy machinery and equipment rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Hotel/motel/motor lodges/tourist courts	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Indoor shooting gallery/gun range ²	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S
Interior decorating studio	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Kennel, commercial or private dog kennels	S	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Liquor store	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Locksmith	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Massage establishment	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Medical clinic	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Microbrewery/brewpub, microdistillery and microwinery ²	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
Milk processing and distribution ²	S	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Motorcycle sales and service	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Musical instrument sales/repair	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Newspaper publishing	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P



Reviewed By:	
Legal	<input checked="" type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

New Business #7

Tracking Number

EDC 2017-33

Agenda Item Summary Memo

Title: Kendall Crossing TIF Incentive Agreement – Kendall Hospitality

Meeting and Date: Economic Development Committee – May 2, 2017

Synopsis: See attached.

Council Action Previously Taken:

Date of Action: N/ A Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Bart Olson Administration
Name Department

Agenda Item Notes:



Memorandum

To: Economic Development Committee
From: Bart Olson, City Administrator
CC:
Date: April 26, 2017
Subject: Kendall Crossing TIF incentive agreement – Kendall Hospitality

Summary

Approval of a development agreement and TIF incentive of \$700,000 with Kendall Hospitality, LLC for a hotel and banquet center within the Countryside/Kendall Crossing development.

Background

This item was discussed at the April 11th City Council meeting, when the inducement resolution with Kendall Hospitality was approved. Since that meeting, the developer has committed to the City that they can build a four-story, 90 room, 54,000 square foot hotel with a 12,000 square foot banquet facility if the City commits to a TIF incentive of \$700,000 and time of opening of the facility. The exact brand of the hotel is not yet finalized, as the developer is still receiving approval from a parent company for a franchise.

The draft development and incentive agreement is attached. It commits the developer to construction of a four-story, 80 room hotel and 12,000 square foot banquet facility. We suggested a slightly lower hotel room number than what is actually planned on the off-chance that room counts have to be scaled down post-City Council approval. Also, we did not require a minimum square footage to the building and instead opted for a four story minimum. We felt that requirement alone was enough to dictate a fairly sizable building with the required 80-room count.

The 12,000 square foot banquet facility does not yet have a brand, but would be modeled both in operation and size after the top banquet facilities in the Chicago region. We expect that the actual banquet room would be greater than 5,400 sf and could accommodate upwards of 350 guests. This would put it in the upper echelon of area banquet facilities (Whitetail Ridge, similar size; Danada House 4,000 square feet; Hotel Arista 4,800 square feet).

As part of the development agreement, the developer would be responsible for acquiring the property before July 1, 2017, commencing construction before December 31, 2017 and would need to complete the project before December 31, 2019. Upon opening the facility (no later than March 2020), the City would be responsible for paying the developer \$700,000 in TIF proceeds.

Finances

The City has a number of options available to it to finance the \$700,000 in TIF proceeds. Because the earliest possible delivery and opening of the hotel is mid-2018, the City would have time to analyze the budget and determine whether borrowing (internally or externally) is necessary. While the fund is expected to run a modest surplus in FY 17 and FY 18, it still is expected to have a negative fund balance in FY 18 as a result of the original TIF agreement from 2005 and limited development of the property thereafter.

Depending on the outcome of FY 17 and FY 18 there could be a scenario where the City would be able to internally loan the funds for the payment to the TIF fund. If the City does not feel that internal loans are acceptable at that time, the City could either issue a short term bond or seek a short-term loan from a local financial institution (similar to the downtown bank building purchase). Any loan would have to match the existing term of the TIF, which goes through 2028.

On the revenue side, we would conservatively expect the hotel and banquet facility to generate ~\$1,500,000 back into the TIF over the remaining life of the TIF. That figure would go to offset the \$700,000 expenditure associated with the development agreement for the hotel and the ongoing TIF negative fund balance of the Countryside TIF fund.

That brief analysis was compiled in the following manner. The two parcels that the hotel and banquet will be located upon are 02-28-104-035 and 02-28-104-036. These parcels are both just above 1.5 acres individually and 3 acres in total. Because they are vacant, they are only worth ~\$410 EAV each which generates \$47 in property taxes for each parcel. The base EAV for these parcels in 2005 was \$154,290 and \$145,905 respectively, which means the construction of the hotel will result in property taxes being disbursed to all property taxing governments up to those amounts. Based on 2016 tax rates of \$11.6979 per \$100 EAV, the taxing entities would split ~\$35,000 annually until the closure of the TIF in 2028.

We expect a conservative EAV for both properties will be \$1,300,000 for the hotel and \$300,000 for the banquet facility. These figures are based off an early construction cost estimate from the developer of \$8,000,000 for the hotel, and \$2,000,000 for the banquet. Also, the Hampton Inn in Yorkville has a \$1,049,000 EAV and White Tail Ridge's banquet facility, which sits on an 80+ acre parcel with the golf course, is valued at ~\$500,000 EAV. Based on 2016 tax rates of \$11.6979 per \$100 EAV, the hotel facility would likely pay \$150,000 in total property taxes annually and the banquet facility \$35,000 annually. Subtracting out the base EAV levels mentioned above for each parcel, we would expect the net revenues to the TIF to be \$135,000 annually for the hotel and \$18,000 for the banquet. Multiplied by ten years remaining in the TIF, we would expect the City's return to be ~\$1,500,000. This potential multiple-hundred thousand dollar return would be used to offset an end-of-fund estimated negative fund balance of \$1,600,000. Further, the construction of the hotel is likely to result in the development of the final few outlots in the development, which would further offset the ongoing structural deficit in the fund.

Recommendation

Staff recommends approval of the attached development agreement with Kendall Hospitality LLC.

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, APPROVING A DEVELOPMENT AGREEMENT FOR KENDALL HOSPITALITY, LLC, YORKVILLE, ILLINOIS

WHEREAS, the United City of Yorkville, Kendall County, Illinois (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, pursuant to its powers and in accordance with the requirements of the Tax Increment Allocation Redevelopment Act of the State of Illinois, 65 ILCS 5/11-74.4-1, *et seq.*, as from time to time amended (the “TIF Act”), the Mayor and City Council of the City (collectively, the “Corporate Authorities”), pursuant to Ordinance No. 2005-10A, adopted on February 8, 2005, and Ordinance Nos. 2005-10B and 2005-10C, adopted on February 15, 2005, respectively, approved the Tax Increment Financing Redevelopment Project and Plan for the US Route 34 and Illinois Route 47 (Countryside Shopping Center) (the “Redevelopment Plan”) setting forth a plan for the development, redevelopment and revitalization of the redevelopment project area; designated a redevelopment project area consisting of approximately 19 acres generally located at Route 47 and Route 34 and commonly known as Countryside Shopping Center (the “Redevelopment Project Area” or “Subject Property”); and adopted tax increment allocation financing for the Redevelopment Project Area; and,

WHEREAS, pursuant to Ordinance No. 2008-101, adopted November 25, 2008, and amended by Ordinance Number 2009-15, adopted March 24, 2009, the Corporate Authorities designated the Subject Property a “Business District” in accordance with the Business District Development and Redevelopment Act (65 ILCS 5/11-74.3 *et seq.*) (the “Business District Act”) and adopted a development or redevelopment plan and imposed a one percent (1%) business

district retailers' occupation tax and a one percent (1%) business district service occupation tax (“*Business District Taxes*”) to pay business district project costs including the planning, execution and implementation of an approved business district plan; and,

WHEREAS, the City shall hereafter amend Ordinance Number 2009-15 to impose a one percent (1%) hotel tax as authorized by the Business District Act; and,

WHEREAS, the existence of factors which caused the Subject Property to be designated a “redevelopment project area” under the TIF Act and a Business District under the Business District Act and the extraordinary costs necessary for redevelopment have prevented private developer from developing, redeveloping, and revitalizing the Subject Property, which has, in turn, prevented development and construction of commercial enterprises thereon; and,

WHEREAS, Kendall Hospitality, LLC, a Delaware limited liability company (the “*Developer*”) has advised the City that it is prepared to acquire approximately 3.5 acres of the Subject Property (which acreage is currently vacant) for the purpose of constructing a four (4) story hotel with a minimum of eight (80) rooms and a 12,000 square foot banquet center (the “*Project*”) on the condition that the City provides financial assistance in order to make the Project economically feasible; and,

WHEREAS, the Corporate Authorities have determined that in order to induce the Developer to undertake the Project, it is in the best interests of the City, and the health, safety, morals, and welfare of the residents of the City, for the City to reimburse the Developer for certain costs in accordance with the terms and conditions set forth in a development agreement.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1. That the Development Agreement for Kendall Hospitality, LLC, Yorkville, Illinois by and between the United City of Yorkville, Kendall County, Illinois and Kendall Hospitality, LLC, attached hereto and made a part hereof, is hereby approved and the Mayor, City Clerk, and City Administrator are hereby authorized to execute and deliver said Agreement and undertake any and all actions as may be required to implement its terms on behalf of the City.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois, this ____ day of _____, A.D. 2017.

CITY CLERK

CARLO COLOSIMO _____

KEN KOCH _____

JACKIE MILSCHEWSKI _____

ARDEN JOE PLOCHER _____

CHRIS FUNKHOUSER _____

JOEL FRIEDERS _____

SEAVER TARULIS _____

DIANE TEELING _____

APPROVED by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this ____ day of _____, A.D. 2017.

MAYOR

Attest:

CITY CLERK

**DEVELOPMENT AGREEMENT FOR
KENDALL HOSPITALITY, LLC, YORKVILLE, ILLINOIS**

THIS AGREEMENT dated as of the _____ day of _____, 2017, by and between the United City of Yorkville, Kendall County, Illinois, a municipal corporation (hereafter the “City”) and Kendall Hospitality, LLC, a Delaware limited liability company (hereafter “Developer”).

W I T N E S S E T H:

WHEREAS, by Ordinance No. 2005-10A, adopted by the Mayor and City Council of the City (the “*Corporate Authorities*”) on February 8, 2005, a Tax Increment Financing Redevelopment Project and Plan for the US Route 34 and Illinois Route 47 (Countryside Shopping Center) (hereinafter the “*Redevelopment Plan*”) was approved, which Redevelopment Plan covered an area of approximately 19 acres generally located at Route 47 and Route 34 and commonly known as Countryside Shopping Center (the “*Subject Property*”); and,

WHEREAS, by Ordinance No. 2005-10B and No. 2005-10C adopted by the Corporate Authorities on February 15, 2005, the City designated the Subject Property as a “redevelopment project area” and adopted tax increment financing pursuant to the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1 *et seq.*) (hereinafter referred to as the “*Act*”); and,

WHEREAS, pursuant to Ordinance No. 2008-101, adopted November 25, 2008, and amended by Ordinance Number 2009-15, adopted March 24, 2009, the Corporate Authorities designated the Subject Property a “*Business District*” in accordance with the Business District Development and Redevelopment Act (65 ILCS 5/11-74.3 *et seq.*) (the “*Business District Act*”) and adopted a development or redevelopment plan and imposed a one percent (1%) business district retailers’ occupation tax and a one percent (1%) business district service occupation tax

(“*Business District Taxes*”) to pay business district project costs including the planning, execution and implementation of an approved business district plan; and,

WHEREAS, the City shall hereafter amend Ordinance Number 2009-15 to impose a one percent (1%) hotel tax as authorized by the Business District Act; and,

WHEREAS, the Developer has advised the City that it is prepared to acquire approximately 3.5 acres of the Subject Property (which acreage is currently vacant) for the purpose of constructing a four (4) story hotel with a minimum of eighty (80) rooms and a 12,000 square foot banquet center (the “*Project*”) on the condition that the City provides financial assistance in order to make the Project economically feasible; and,

WHEREAS, the City is prepared to assist the Developer but only in accordance with the terms and conditions hereinafter set forth and only after the City approves the development plan as the City recognizes that the Project at the Subject Property could add to the commercial services within the City and further the development of one of its primary commercial corridor.

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants hereinafter set forth, the parties agree as follows:

Section 1. Preambles. The foregoing preambles are hereby incorporated into this Agreement as if fully restated in this Section 1.

Section 2. Developer’s Obligations.

A. The Developer covenants and agrees to deliver to the City for its approval of a plan for the construction of a four (4) story hotel with no less than eighty (80) rooms and a banquet center of approximately 12,000 square feet covering approximately three and one half (3 ½) acres of the Subject Property (the “*Hotel Complex Property*”).

B. On or before July 1, 2017, the Developer shall deliver to the City proof of the acquisition of the Hotel Complex Property and commence construction of the Project on or before December 31, 2017.

C. On or before December 31, 2019, the Developer shall have completed construction of the Project in accordance with all permits as issued in conjunction with the approved plan, all applicable City codes and the terms of this Agreement.

D. On or before December 31, 2019, the Developer shall have been issued a certificate of occupancy by the City for the hotel portion of the Project and commence operation thereof on or before March 1, 2020.

Section 3. Obligations on the part of the City.

A. Upon issuance of a certificate of occupancy for the Subject Property, the City agrees to reimburse the Developer \$700,000 for a portion of the cost of acquisition of the Hotel Complex Property.

Section 4. Undertakings on the Part of Developer.

A. The Developer hereby covenants and agrees to promptly pay, as the same become due, any and all taxes and governmental charges of any kind that may at any time be assessed with regard to its operation including all real estate taxes assessed against the Subject Property or any other location in the City owned or controlled by the Developer.

B. The Developer shall indemnify and hold harmless the City, its agents, officers and employees against all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses (including any liabilities, judgments, costs and expenses and reasonable attorney's fees) which may arise directly or indirectly from any third-party claims made against the City as

a result of the failure of the Developer or any contractor, subcontractor or agent or employee thereof (so long as such contractor, subcontractor or agent or employee thereof is hired by the Developer) to timely pay any contractor, subcontractor, laborer or material men; from any default or breach of the terms of this Agreement by the Developer; or from any negligence or reckless or willful misconduct of the Developer or any contractor, subcontractor or agent or employee thereof (so long as such contractor, subcontractor or agent or employee is hired by the Developer). The Developer shall, at its own cost and expense, appear, defend and pay all charges of attorneys, costs and other expenses arising therefrom or incurred in connection therewith. If any judgment shall be rendered against the City, its agents, officers, officials or employees in any such action, the Developer shall, at its own expense, satisfy and discharge the same. The paragraph shall not apply, and the Developer shall have no obligation whatsoever, with respect to any acts of negligence or reckless or willful misconduct on the part of the City or any of its officers, agents, employees or contractors.

C. Upon commencement of operation of the hotel, the Developer covenants and agrees to collect the one percent (1%) hotel tax as imposed by the City pursuant to the Business District Act and shall remit said hotel tax to the City on April 1, July 1, October 1 and December 1 each year of operation of the hotel at the Hotel Complex Property.

D. Upon commencement of operation of the banquet center, the Developer covenants and agrees to collect the retail sales tax and service occupation tax of one percent (1%) imposed by the City pursuant to the Business District Act and remit same to the Illinois Department of Revenue as required by said Business District Act.

E. The Developer covenants and agrees to continue to operate the eighty (80) room hotel and 12,000 (twelve thousand) square foot banquet center throughout the term of this Agreement.

Section 5. Term. Unless earlier terminated pursuant to Section 18, the term of this Agreement shall commence on the date of execution and end December 31, 2029 (the "*Termination Date*").

Section 6. Verification of Sales Taxes. The Developer shall deliver to the City copies of its reports to the Illinois Department of Revenue of all remittances of all sales and service taxes.

Section 7. No Liability of City for Others for Developer's Expenses. The City shall have no obligation to pay costs of the Project or to make any payments to any person other than the Developer, nor shall the City be obligated to pay any contractor, subcontractor, mechanic, or material man providing services or materials to the Developer for the development of the Project. The Developer agrees to comply with the Illinois Prevailing Wage Act, 820 ILCS 130/0.01 *et seq.*, as may be required.

Section 8. Time; Force Majeure. Time is of the essence of this Agreement, provided, however, a party shall not be deemed in material breach of this Agreement with respect to any obligations of this Agreement on such party's part to be performed if such party fails to timely perform the same and such failure is due in whole or in part to any strike, lock-out, labor trouble (whether legal or illegal), civil disorder, weather conditions, failure or interruptions of power, restrictive governmental laws and regulations, condemnations, riots, insurrections, acts of terrorism, war, fuel shortages, accidents, casualties, floods, earthquakes, fires, acts of God, epidemics, quarantine restrictions, freight embargoes, acts caused directly or indirectly by the

other party (or the other party's agents, employees or invitees) or similar causes beyond the reasonable control of such party ("*Force Majeure*"). If one of the foregoing events shall occur or either party shall claim that such an event shall have occurred, the party to whom such claim is made shall investigate same and consult with the party making such claim regarding the same and the party to whom such claim is made shall grant any extension for the performance of the unsatisfied obligation equal to the period of the delay, which period shall commence to run from the time of the commencement of the Force Majeure; provided that the failure of performance was reasonably caused by such Force Majeure.

Section 9. Assignment. This Agreement may not be assigned by the Developer without the prior written consent of the City, which consent shall not be unreasonably withheld.

Section 10. Waiver. Any party to this Agreement may elect to waive any remedy it may enjoy hereunder, provided that no such waiver shall be deemed to exist unless the party waiving such right or remedy does so in writing. No such waiver shall obligate such party to waive any right or remedy hereunder, or shall be deemed to constitute a waiver of other rights and remedies provided said party pursuant to this Agreement.

Section 11. Severability. If any section, subsection, term or provision of this Agreement or the application thereof to any party or circumstance shall, to any extent, be invalid or unenforceable, the remainder of said section, subsection, term or provision of this Agreement or the application of same to parties or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby.

Section 12. Notices. All notices, demands, requests, consents, approvals or other instruments required or permitted by this Agreement shall be in writing and shall be executed by

the party or an officer, agent or attorney of the party, and shall be deemed to have been effective as of the date of actual delivery, if delivered personally, or as of the third (3rd) day from and including the date of posting, if mailed by registered or certified mail, return receipt requested, with postage prepaid, addressed as follows:

To the Developer: Sonny Shah
(Insert Address)

With a copy to: (Insert Attorney Name and Address, *if any*)

To the City: United City of Yorkville
800 Game Farm Road
Yorkville, Illinois 60560
Attention: City Administrator

With a copy to: Kathleen Field Orr
Kathleen Field Orr & Associates
53 West Jackson Blvd., Suite 964
Chicago, Illinois 60604

Section 13. Successors in Interest. This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement and their respective successors and assigns.

Section 14. No Joint Venture, Agency or Partnership Created. Neither anything in this Agreement nor any acts of the parties to this Agreement shall be construed by the parties or any third person to create the relationship of a partnership, agency, or joint venture between or among such parties.

Section 15. General Warranties and Covenants of the Developer.

A. The Developer hereby covenants and agrees to promptly pay, as the same become due, any and all taxes and governmental charges of any kind that may at any time be lawfully assessed including all real estate taxes assessed against the Subject Property or any other location in the City owned or controlled by the Developer.

B. The Developer covenants and agrees that at all times it shall comply with all applicable zoning ordinances and regulations, building code, fire code and all other City ordinances, resolutions and regulations.

C. The Developer hereby covenants and agrees to comply with all applicable laws, rules and regulations of the State of Illinois, the United States and all agencies of each of them having jurisdiction over it.

Section 16. No Discrimination – Construction. The Developer for himself and his successors and assigns agrees that in the construction of the improvements at the Subject Property provided for in this Agreement the Developer shall not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Developer shall take affirmative action to require that applicants are employed and that employees are treated during employment, without regard to their race, creed, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment upgrading, demotion or transfer; recruitment or recruitment advertising and solicitations or advertisements for employees; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Developer agrees to post

in conspicuous places, available to employees and applicants for employment, notices, which may be provided by the City, setting forth the provisions of this nondiscrimination clause.

Section 17. Remedies – Liability.

A. If, in the City's judgment, the Developer is in material default of this Agreement, the City shall provide the Developer with a written statement indicating in adequate detail any failure on the Developer's part to fulfill its obligations under this Agreement. Except as required to protect against further damages, the City may not exercise any remedies against the Developer in connection with such failure until thirty (30) days after giving such notice. If such default cannot be cured within such thirty (30) day period, such thirty (30) day period shall be extended for such time as is reasonably necessary for the curing of the same, so long as the Developer diligently proceed with such cure; if such default is cured within such extended period, the default shall not be deemed to constitute a breach of this Agreement. A default not cured as provided above shall constitute a breach of this Agreement. Any failure or delay by the City in asserting any of its rights or remedies as to any default or alleged default or breach shall not operate as a waiver of any such default or breach of any rights or remedies it may have as a result of such default or breach.

B. If the Developer materially fails to fulfill his obligations under this Agreement after notice is given by the City and any cure periods described in paragraph (a) above have expired, the City may elect to terminate this Agreement or exercise any right or remedy it may have at law or in equity, including the right to specifically enforce the terms and conditions of this Agreement. If any voluntary or involuntary proceeding in any court or tribunal shall be instituted to declare the Developer insolvent or unable to pay the Developer's debts, or the

Developer makes an assignment for the benefit of its creditors, or a trustee or receiver is appointed for either one of the Developer or for the major part of the Developer's property, the City may elect, to the extent such election is permitted by law and is not unenforceable under applicable federal bankruptcy laws, but is not required, with or without notice of such election and with or without entry or other action by the City, to forthwith terminate this Agreement.

C. If, in the Developer's judgment, the City is in material default of this Agreement, the Developer shall provide the City with a written statement indicating in adequate detail any failure on the City's part to fulfill its obligations under this Agreement. The Developer may not exercise any remedies against the City in connection with such failure until thirty (30) days after giving such notice. If by its nature such default cannot reasonably be cured within such thirty (30) day period, such thirty (30) day period shall be extended for such time as is reasonably necessary for the curing of the same, so long as the City diligently proceeds with such cure; if such default is cured within such extended period, the default shall not be deemed to constitute a breach of this Agreement. A default not cured as provided above shall constitute a breach of this Agreement. Any failure or delay by the Developer in asserting any of their rights or remedies as to any default or any alleged default or breach shall not operate as a waiver of any such default or breach of shall not operate as a waiver of any such default or breach of any rights or remedies it may have as a result of such default or breach.

D. In addition to any other rights or remedies, a party may institute legal action against the other party to cure, correct or remedy any default, or to obtain any other remedy consistent with the purpose of this Agreement, either at law or in equity, including, but not limited to the equitable remedy of an action for specific performance; provided, however, no

recourse under or upon any obligation contained herein or for any claim based thereon shall be had against the City, its officers, agents, attorneys, representatives or employees in any amount or in excess of any specific sum agreed to be paid by the City hereunder, and no liability, right or claim at law or in equity shall be attached to or incurred by the City, its officers, agents, attorneys, representatives or employees in any amount in excess of any specific sums agreed by the City to be paid hereunder and any such claim is hereby expressly waived and released as a condition of and as consideration for the execution of this Agreement by the City. Notwithstanding the foregoing, in the event either party shall institute legal action against the other party because of a breach of any Agreement or obligation contained in this Agreement, the prevailing party shall be entitled to recover all costs and expenses, including reasonable attorneys' fees, incurred in connection with such action.

E. The rights and remedies of the parties are cumulative and the exercise by a party of one or more of such rights or remedies shall not preclude the exercise by it, at the same time or different times, of any other rights or remedies for the same default or for any other default by the other party.

Section 18. Amendment. This Agreement, and any exhibits attached to this Agreement, may be amended only in a writing signed by all the parties with the adoption of any ordinance or resolution of the City approving said amendment, as provided by law, and by execution of said amendment by the parties or their successors in interest. Except as otherwise expressly provided herein, this Agreement supersedes all prior agreements, negotiations and discussions relative to the subject matter hereof.

Section 19. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers on the above date at Yorkville, Illinois.

United City of Yorkville, an Illinois
municipal corporation

By: _____
Mayor

Attest:

City Clerk

Kendall Hospitality, LLC, a Delaware
limited liability company

By: _____

Attest:

Secretary



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

New Business #8

Tracking Number

EDC 2017-34

Agenda Item Summary Memo

Title: Downtown TIF – Proposed Changes

Meeting and Date: Economic Development Committee – May 2, 2017

Synopsis: Memo details plans to create a new Downtown TIF and modify the existing TIF.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Jason Engberg Community Development
Name Department

Agenda Item Notes:



Memorandum

To: Economic Development Committee
From: Jason Engberg, Senior Planner
CC: Bart Olson, City Administrator
Krysti J. Barksdale-Noble, Community Development Director
Date: April 26, 2017
Subject: **Downtown TIF – Proposed Changes**

Summary

Over the course of the past year, staff has been evaluating the status and condition of the existing Downtown TIF District which was established in 2006. Staff has reviewed the increment generated, the types of developments which have happened within the TIF, and possible extensions for the TIF district. The following memo will discuss staff's current analysis of the Downtown TIF and steps moving forward which will help with Yorkville's long term downtown redevelopment.

Background

Staff was considering applying to extend the lifespan of the TIF District an additional 10 years (currently in year 11 of 23) but wanted to evaluate the increment generated by the properties first to determine the health of the district. As seen in Exhibit A, there are many properties which have a "negative" increment generated. While the numbers are negative, they do not take any money out of the TIF fund but the properties are not generating any increment because the Equalized Assessed Values (EAVs) of the properties are below their base values when the Downtown TIF District was established. This means that while those properties are paying higher tax rates since 2006, there is no increment generated because the difference of their EAVs is negative.

Proposed Course of Action

Due to this issue, staff is proposing to change the boundaries of the existing Downtown TIF to offset the negative impacts the lower EAVs have caused and create a new TIF District with additional properties to help assist in downtown redevelopment and drive increment generation (Exhibit B). An additional bonus of creating a new TIF District is that districts which share a boundary may also share funds. This will allow the increment generated in the new TIF District to assist the existing district which will be less likely to generate a large amount of increment. Since funds can be shared between the two TIFs, an extension for the existing TIF District will be proposed so both TIFs will have a similar lifespan where funds may be shared.

To modify the boundaries of the existing TIF and create a new TIF, staff is proposing to do all the work in house. The following requirements will need to be met to establish a new TIF District:

- Complete an Eligibility Report
- Complete a Housing Study
- Complete a Redevelopment Plan
- Hold a public meeting for the Housing Study
- Hold a public hearing for the Redevelopment Plan

The City's Senior Planner has experience from his previous employment establishing TIF Districts in several communities including Berkeley, Bedford Park, Olympia Fields, and Warrenville. The City Attorney has extensive knowledge in the TIF Act and establishing TIF Districts throughout Illinois. These two staff members will be responsible for drafting documents, setting up public hearings, and completing all documentation required in the TIF Act.

The Senior Planner will conduct the eligibility field analysis, draft the Eligibility Study, research and draft the Housing Study, and will provide all necessary maps for the project. The City Attorney will draft the Redevelopment Plan, ensure all legal requirements are met, draft legal descriptions, and draft ordinances. With the work being done by existing City employees, the cost to create a new TIF District will be significantly lower than hiring a consultant to complete all of the necessary work.

Initial Eligibility Criteria

Staff has already conducted preliminary research on the viability of a new Downtown TIF District. Staff believes the properties selected in the new TIF District will qualify for designation under the TIF Act. Staff has also compiled the number of residential units within the proposed new TIF District and has determined a Housing Study will need to be completed. An estimated 98 residential units will be within the new TIF and the Act requires that if there are more than 75 dwelling units within the proposed TIF District a Housing Study must be completed. Staff's initial research illustrates that investing time in this project will result in the creation of a new TIF District.

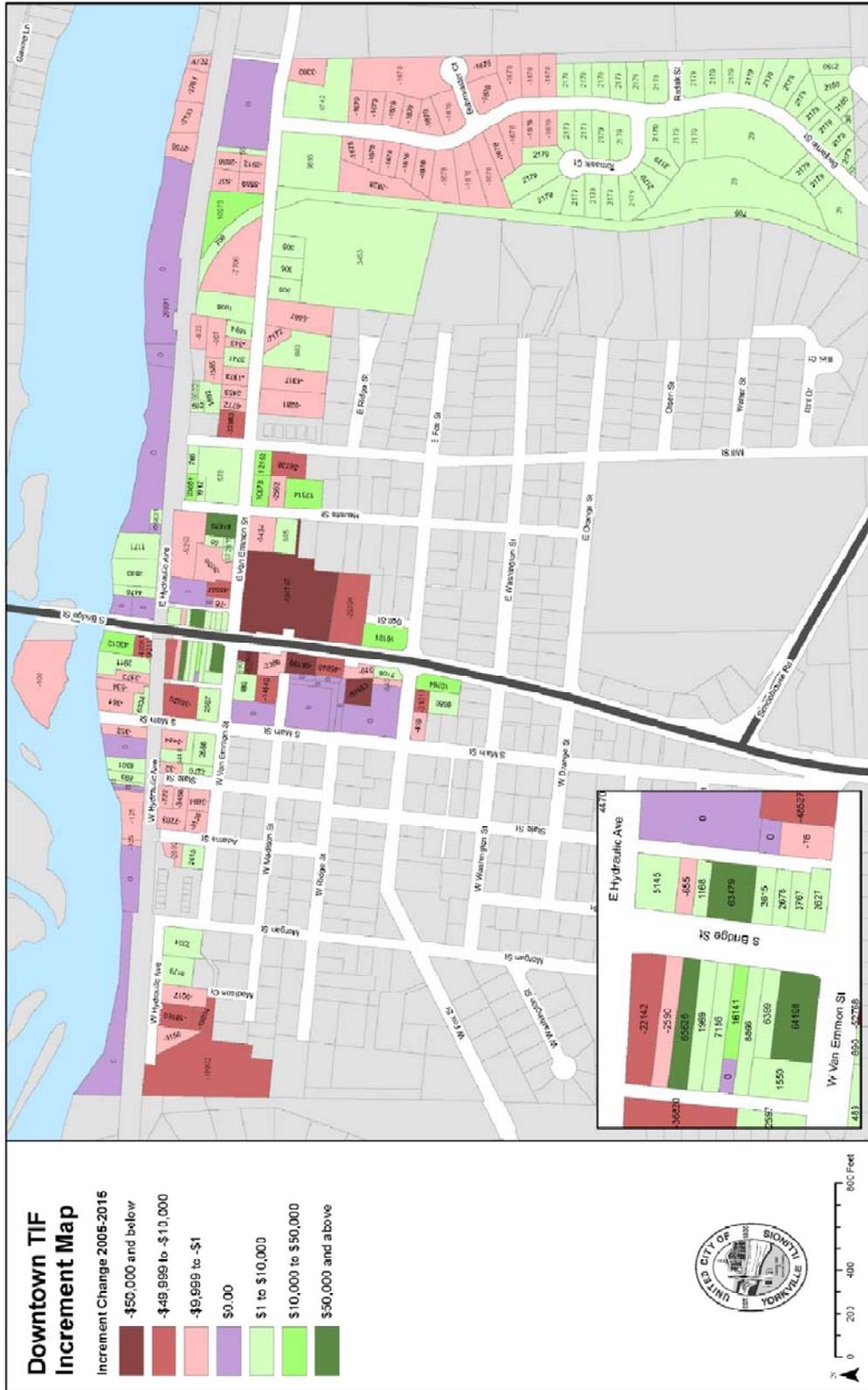
Project Timeline

In terms of the time it will take to complete all these tasks, staff is predicting a 5-7 month process with the TIF being established before 2018. While the Eligibility Report, Housing Study, and Redevelopment Plan may be drafted in a couple of months time, the two separate public meetings and levels of review by committees and elected officials will add to the overall timeline of the project. Once recommendation to move forward with this project is given, a formal dated timeline will be drafted and distributed to the EDC and other essential bodies.

Staff Recommendation

Staff believes the creation of a new Downtown TIF District will assist in offsetting the existing non-increment producing Downtown TIF as well as add additional properties for redevelopment of the downtown which will generate funds Staff is seeking initial feedback from the Economic Development Committee on this proposal.

EXHIBIT A





Memorandum

To: Economic Development Committee
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Date: April 24, 2017
Subject: **Vacant Property Registration Program**

UPDATE

This matter was recently discussed at the April 11, 2017 City Council meeting where it was the unanimously sent back to the Economic Development Committee for further consideration. At this time, staff is not recommending any further revisions to the proposed draft ordinance than what has previously been presented at the April EDC meeting which is summarized below and in the attached. Staff continues to support the ordinance, as drafted, but will not seek to move forward with the request if it is not the consensus of the EDC to do so. Therefore, we respectfully request a determination/vote on the proposed ordinance as presented.

Summary

Last month, staff reintroduced the Vacant Property Registration Program to the Economic Development Committee (EDC) after initially resenting the program in July 2015 for reconsideration. Although staff presented compelling examples of vacant property complaints and damaged housing stock as a result of extended unknown vacancies staff had encountered since the program was initially proposed, the EDC continued to express concern regarding the proposed ordinance. Of specific concern to some members of the EDC related to the authority given to staff in the determination of a vacant building (Sections 4-7-4 and 4-7-5) and the requirement for an interior inspection by the City's Building department (Section 4-7-6-A-2). There was also a consensus by the EDC to reduce the program's originally proposed \$250 fee for registering a vacant building. Staff now proposes a \$150 annual registration fee with no additional fees for interior inspections.

As a follow-up to those concerns, the City Attorney has removed the above referenced sections of the proposed attached ordinance. This includes the removal of the requirement for an interior inspection and allows for the initial determination to be made via an exterior inspection and, if there are other serious interior violations that need to be inspected, the City can obtain an inspection warrant under the authority currently given to the Building Code Official. A summary of the proposed revised ordinance is provided below for your reference.

Revised Request

Below is a brief summary of the more compelling components of the revised ordinance such as the establishment of vacancy; obligation to register vacant buildings; and enforcement and penalties.

Criteria for Establishing Vacancy

Per the attached draft ordinance, staff is seeking to implement a Vacant Property Registration Program for the purpose of identifying, registering and regulating buildings that are deemed vacant. The following standards or evidence of vacancy, per the proposed ordinance, must include a combination of such conditions:

1. Substantially all lawful residential or business activity has ceased.
2. The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units.

3. The building is substantially devoid of contents.
4. The condition and value of fixtures or personal property in the building.
5. The lack of utility services (water, sewer, electric or natural gas).
6. The building is the subject of a foreclosure action.
7. The presence or recurrence of uncorrected code violations.
8. Overgrown and/or dead vegetation.
9. Accumulation of newspapers, circulars, fliers and/or mail.
10. Abandonment by owner.

In order to determine vacancy, the revised code states that staff may evaluate buildings in the City that we believe to be unoccupied by means of any lawful **exterior inspection only**. This can be accomplished through our current complaint based inspection process. Depending upon the evidence of vacancy factors mentioned above, staff will make a determination as to whether the building is a "vacant" within the meaning of section 4-7-3 of this chapter which are as follows:

- A. Unoccupied and unsecured; or
- B. Unoccupied and secured by boarding or other similar means for more than thirty (30) days; or
- C. Unoccupied and a dangerous structure; or
- D. Unoccupied as a result of having been declared unsafe for occupancy by the director pursuant to applicable law; or
- E. Unoccupied and having multiple violations of this code, as amended; or
- F. Unoccupied and the building or its premises have been the site of unlawful activity within the previous six (6) months; or
- G. Condemned or declared unsafe for occupancy by the director and unlawfully occupied; or
- H. Unoccupied for over forty (40) days and during which time the director has issued an order to correct public nuisance conditions and the same have not been corrected in a code compliant manner; or
- I. Unoccupied and the subject of either pending mortgage foreclosure proceedings or mortgage foreclosure proceedings that have been completed within the past two (2) years and the building has not since been reoccupied; or
- J. Unoccupied for over one year; or
- K. Abandoned by persons who surrender their claim, right or interest in the property; or
- L. Unoccupied residential property found by a court of competent jurisdiction to be "abandoned residential property" as defined in sections 15-1200.5 and 15-1200.7 of the code of civil procedure.

However, vacant buildings **do not include** an "unoccupied building" which is: a) undergoing construction, renovation, or rehabilitation with an approved building permit, or b) unoccupied as a result of the owner who is a member of the military and is deployed for military service and is otherwise secure; or c) secure but is the subject of a probate action or other ownership dispute; or d) occupied only on a seasonal basis and is otherwise secure and in substantial compliance with all applicable codes, regulations and laws.

Determination of Vacancy

As currently proposed, the Community Development Director, or designee, may determine that a building which meets any of the criteria set forth above is a "vacant building". The determination

will be made in writing and will state the factual basis for the finding within seven (7) days of making that determination, which will be sent to the name and address of the last taxpayer of record listed on the most recent Kendall County tax roll. The notice of determination will be sent by certified mail, return receipt requested, **and** by regular first class United States mail, and staff will maintain a record of all mailings for each notice of determination sent.

There is, however, an opportunity for the property owner to appeal the determination of vacancy to the City Administrator within fifteen (15) days of the date the notice was mailed. Upon additional information provided by the owner that the property should not be considered “vacant” and therefore not subject to registering the property with the City, the Administrator has ten (10) days to decide on the appeal.

Note that the determination of vacancy is the first step in the administrative review process for those properties that are established to be vacant, but have not registered with the City. If after the determination by the Community Development Director and/or City Administrator, the property owner fails to register the building and pay all applicable registration fees, the enforcement then moves to the administrative adjudication process where a notice of violation is sent with a set amount for compliance, followed by a citation and hearing date should compliance is not met by the deadline.

Obligations to Register Vacant Buildings

Once there is a determination of vacancy, the property owner is then obligated to register the property with the City as follows:

- Completion of a registration form with pertinent information regarding the property, such as address, case name/number of any pending litigation, and contact for property maintenance.
- Payment of a **\$150 annual registration fee**, per building, this has been reduced from the formally proposed \$250 fee which included a \$200 registration and \$50 inspection fee.
- Proof of Insurance for as long as the building remains vacant. A copy will be required to be kept with the application which requires the following coverage:
 - \$500,000 for vacant residential building with one to three units
 - \$750,000 for vacant residential building with four to eleven units
 - \$1,000,000 for vacant residential building with twelve to forty-eight units
 - \$2,000,000 for vacant residential building with more than forty-eight units, manufacturing buildings, industrial buildings, storage or nonresidential commercial buildings.

The former proposal had the requirement of a Vacant Building Plan (Section 4-7-6-A-4) which has now been deleted as the focus of this ordinance will be to ensure the vacant premises are externally secure rather than brought to current code standards internally.

Enforcement and Penalties

Non-compliance by an owner of a vacant building with any of the obligations in the proposed ordinance is considered a violation of the City Code which is subject to a minimum fine of \$100 per day per violation to a maximum fine of \$750 per day per violation.

Potential Additional Tracking Tool

Per the EDC at last month's meeting, there was discussion regarding the staff proposed use of a third party business, proChamps, to assist with tracking and registration of vacant properties in Yorkville. Out of that discussion was a request by the EDC to research additional businesses that track and register vacant/foreclosed buildings for municipalities. In conducting that supplemental research, staff found the following two (2) additional companies: Safeguard Properties¹ and Cyprex². Both companies track ordinances adopted by municipalities to require registration of vacant properties and provides this information to financial institutions, mortgage servicers, asset management companies and property owners, offering to complete the registration and be the point of contact for the municipality with regards to property maintenance/building code issues.

At this time, staff is not advocating for any particular service, but providing information on tools that are available to the City should there be a need within the department to engage any of these services in the future.

Staff Recommendation

Based upon the modifications made to the proposed ordinance at the direction of the EDC and prior research/data presented by staff at previous meetings regarding this matter, **staff continues to recommend the adoption** of the revised proposed Vacant Building Registry Program which is in line with over 80 communities in the State with regard to ordinance regulations and fees. Staff will be available at the meeting to answer any questions from the Committee regarding this agenda item.

¹http://safeguardproperties.com/Resources/Vacant_Property_Registration/il.aspx?filter=vpr&city=yorkville&category=

<http://www.kendallcountynow.com/2015/07/14/vacant-building-plan-falls-in-yorkville/awssmdv/>

²<https://www.cyprex.com/services/vacantproperty.aspx>

Draft 3/20/17/5/2017
Ordinance No. _____

**AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY,
ILLINOIS, ADDING LICENSING REQUIREMENTS AND REGULATION
OF VACANT BUILDINGS**

WHEREAS, the United City of Yorkville (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, the City desires to establish a program for identification, registration and regulation of buildings which are or become vacant and determine the responsibilities of owners of those vacant buildings.

Field Code Changed

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: That Chapter 7 of Title 4 be and is hereby added to the Yorkville City Code to read as follows:

Field Code Changed

**“CHAPTER 7
VACANT BUILDINGS**

DECLARATION OF POLICY:

The purpose of this chapter is to protect the public health, safety, and welfare by enactment of this chapter which:

- A. Establishes a program for identification, registration, and regulation of buildings which are or become "vacant" as defined herein; and
- B. Determines the responsibilities of owners of vacant buildings; and
- C. Provides for administration, enforcement, abatement of public nuisances, and the imposition of penalties.

This chapter shall be liberally construed to effect its purposes.

OTHER ORDINANCES:

This chapter shall not be construed to prevent the enforcement of other applicable ordinances, codes, legislation, and regulations which prescribe standards other than are provided herein. When a provision of this chapter conflicts with any other provision of the code regulating the same subject matter, the more stringent or restrictive provision shall apply.

DEFINITIONS:

Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

BOARDED BUILDING: A building that has had, in a manner intended to be temporary or permanent, any or all of its openings covered by some material for the purpose of securing or preventing access or damage to the building or its components, whether such material is opaque, solid or transparent, and whether such material is affixed to the interior or exterior of the building. For the purpose of this definition, such openings shall include any doors, windows or other openings that exist for the purpose of providing light, ventilation, ingress and egress to the building or other access to a part or portion of the building.

BUILDING: Any residential structure, or portion thereof, containing one or more dwelling units used or intended to be used for human habitation, or any business or commercial structure occupied or intended for supporting any occupancy.

DANGEROUS BUILDING:

- A. Any building that is dangerous to the public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of its occupants or to neighboring structures; or
- B. Any building which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard; or
- C. Any building, which, by reason of faulty construction, age or lack of repair is likely to collapse or fall.

DANGEROUS STRUCTURE: Any structure which is in a condition that is dangerous to the public health in any way.

DIRECTOR: The community development director, or his or her designee. All references to the director in this chapter shall be deemed to include the community development director or his or her designee.

DWELLING: A structure, or portion thereof, used for human habitation

DWELLING UNIT: One or more rooms containing individualized cooking, sleeping and sanitary facilities which is designated, occupied or intended for use by one household.

EVIDENCE OF VACANCY: Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, the following:

- A. Substantially all lawful residential or business activity has ceased.
- B. The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units.
- C. The building is substantially devoid of contents.

- D. The condition and value of fixtures or personal property in the building.
- E. Lack of utility services (water, sewer, electric or natural gas).
- F. The building is the subject of a foreclosure action.
- G. The presence or recurrence of uncorrected code violations.
- H. Overgrown and/or dead vegetation.
- I. Accumulation of newspapers, circulars, fliers and/or mail.
- J. Abandonment by owner.

OWNER: Any person, agent, operator, firm, corporation, limited liability company, partnership, joint venture, land trust, inter vivos trust, or other entity having a legal or equitable interest in a property; or recorded in the official records of the state, county, or City as holding title to the property; or otherwise having control of the property, including, but not limited to, the guardian of the estate of any such person if ordered to take possession of real property by a court, the executor or administrator of the estate of any such person if authorized by statute or ordered to take possession of real property by a court, or any person maintaining, operating or collecting rent with respect to a property.

PERSON: Includes a corporation, a partnership, a limited liability company, a joint venture, or other entity as well as an individual.

PREMISES: A lot, plot or parcel of land including any structures thereon.

PUBLIC NUISANCE: Shall include the following:

- A. Any physical condition or uses of any premises that is regarded as a public nuisance at common law, under the Illinois Compiled Statutes, or under this code, as amended; or
- B. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, swimming pools and unsafe fences or structures; or
- C. Any building that has unsanitary sewage or plumbing facilities; or
- D. Any building designated by the director as unsafe for human habitation or use; or
- E. Any building that constitutes a fire hazard, or is unsafe or unsecure to a degree that endangers life, limb or property; or
- F. Any premises that is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
- G. Any building that is: in a state of dilapidation, deterioration or decay; improperly constructed; unsecured; vacant and boarded; damaged by fire to the extent that it no longer provides shelter; in danger of collapse or structural failure; or dangerous to anyone on or near the premises; or
- H. Any premises that contains evidence of unlawful activity to a degree that such activity may endanger, threaten or otherwise negatively impact the users and value of adjacent premises; or
- I. Any premises found by a court of competent jurisdiction to be a criminal public nuisance under this code; or
- J. Any building deemed to be a "dangerous building" or any structure deemed to be a "dangerous structure" under this section.

UNOCCUPIED BUILDING: Any business, industrial, retail, or commercial building, or any single-family or multi-family building, or portion thereof, which is vacant and lacks the habitual

presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by the director pursuant to authority granted to the director by this code.

In determining whether a building is "unoccupied", the director may consider these factors, among others:

- A. A building at which substantially all lawful residential or business activity has ceased.
- B. The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units.
- C. The building is substantially devoid of contents. The condition and value of fixtures or personal property in the building are relevant to this determination.
- D. The building lacks utility services, i.e., water, sewer, electric or natural gas.
- E. The building is the subject of a foreclosure action.
- F. The building is not actively for sale as part of a contractual agreement to sell the building, and lacks "For Sale", "For Rent" or similar signage.
- G. The presence or recurrence of uncorrected code violations.

VACANT BUILDING: A building or portion of a building which is:

- A. Unoccupied and unsecured; or
- B. Unoccupied and secured by boarding or other similar means for more than thirty (30) days; or
- C. Unoccupied and a dangerous structure; or
- D. Unoccupied as a result of having been declared unsafe for occupancy by the director pursuant to applicable law; or
- E. Unoccupied and having multiple violations of this code, as amended; or
- F. Unoccupied and the building or its premises have been the site of unlawful activity within the previous six (6) months; or
- G. Condemned or declared unsafe for occupancy by the director and unlawfully occupied; or
- H. Unoccupied for over forty (40) days and during which time the director has issued an order to correct public nuisance conditions and the same have not been corrected in a code compliant manner; or
- I. Unoccupied and the subject of either pending mortgage foreclosure proceedings or mortgage foreclosure proceedings that have been completed within the past two (2) years and the building has not since been reoccupied; or
- J. Unoccupied for over one year; or
- K. Abandoned by persons who surrender their claim, right or interest in the property; or
- L. Unoccupied residential property found by a court of competent jurisdiction to be "abandoned residential property" as defined in sections 15-1200.5 and 15-1200.7 of the code of civil procedure.

But not including an:

Unoccupied building: a) which is undergoing construction, renovation, or rehabilitation and which is in compliance with all applicable ordinances, codes, legislation, and regulations, and for which a building permit has issued, and for which construction, renovation or rehabilitation is proceeding diligently to completion; or b) which is unoccupied as a result of the owner who is a member of the military and is deployed for military service and is otherwise secure; or c) which is secure but is the subject of a probate action, action to quiet title or other ownership dispute; or d) which is occupied only on a seasonal basis and is otherwise secure and in substantial compliance with all applicable codes, regulations and laws.

CITY: The United City of Yorkville, an Illinois municipal corporation of Kendall County, Illinois.

VACANT BUILDING DETERMINATION:

A. The director may evaluate buildings in the City that he or she believes to be unoccupied by means of any lawful exterior inspection and based on evidence of vacancy factors and make a determination as to whether the building is a "vacant building" within the meaning of section 4-7-3 of this chapter. ~~For the purposes of conducting this evaluation, the director is authorized to enter upon any and all premises and within any and all unsecured structures.~~ The director may determine that a building which meets any of the criteria set forth in the definition of "vacant building" in section 4-7-3 of this chapter is not to be regulated under this chapter for a stated period, if upon consideration of reliable, substantiated and sufficient evidence, he or she determines that the circumstances which give rise to the building being eligible for regulation hereunder are clearly temporary in nature and are either in the process of being addressed or will soon be addressed by the owner and that therefore regulation of the building under this chapter would not serve the public health, welfare, and safety and makes written findings in support of his or her decision. The determination shall be in writing and shall state the factual basis for the determination. For buildings the director determines to be "vacant buildings", he or she shall, within seven (7) days of making that determination, send notice of his/her written determination with the factual findings to the name and address of the last taxpayer of record for such parcel listed on the most recent Kendall County tax roll. Said notice of determination shall be sent by certified mail, return receipt requested, and by regular first class United States mail, with proper postage prepaid, or by personal substitute service and posted in a conspicuous location on the building. Failure of delivery shall not excuse a person from complying with this chapter. The director may personally serve or cause personal service of the notice of determination. Any person making such service shall execute an affidavit attesting to the facts of service. The director shall maintain a record of such mailing for each notice of determination sent.

~~B. Unless waived by the director for good cause, the notice shall specify a date and time upon which the owner shall allow for a code compliance inspection of the interior of all "vacant buildings" to determine the extent of any compliance with City property maintenance, building, zoning, health, fire, water and sewer codes, and/or to determine whether there is any unsecured access to the building (doors, windows and other points of entry); whether flammable liquids or other hazardous materials are stored on the premises or in the vacant building; whether the utilities, including water, sanitary sewer, gas and/or electricity are running or have been shut off; whether the sump pump is working; whether there is any standing water in the basement or crawl space; whether the furnace and/or hot water heater are operable if the gas has not been turned off to the vacant building; whether the roof or other exterior surface or enclosures are leaking or have been water damaged, whether there are any visible signs of mold; whether there are animals, rodents, vermin or insects present on the premises or in the building; and whether all outdoor pools and/or hot tubs are securely covered and/or drained. Said inspection shall also determine the existence of any unlawful improvements to the property and any portions of the building, including attic and basement areas, that appear to have been unlawfully occupied.~~

~~C. If the director requests a code compliance inspection of the interior of the building at the time he or she issues the notice of determination, the director shall set a tentative date and time for the code compliance inspection of the interior of the vacant building. After receipt of the notice of determination that includes a tentative walk through inspection date, if the owner does not appeal the determination, the owner shall either confirm the tentative date for the inspection or shall schedule a new date and time for same. If the owner fails to confirm the tentative date and time for the inspection or refuses to schedule or permit the inspection within a reasonable time, the City may obtain an administrative search warrant to accomplish the inspection, and will not conduct an interior inspection of the premises without obtaining such warrant, except when there is evidence of vacancy and access to the building is unsecured or there is an actual emergency or if the City administrator or the chief of police determines that there is an actual threat to health or safety based on reliable, substantiated and sufficient evidence.~~

~~D. The City shall charge the owner a fee of fifty dollars (\$50.00) to offset the cost to the City of said inspection. The owner shall pay the inspection fee to the City within thirty (30) days of the initial inspection. (The fee could be for the exterior inspection of the property)~~

~~E.B.~~ The notice of determination shall contain a statement of the obligations of the owner of a building determined to be a vacant building, a copy of the registration form the owner is required to file pursuant to section 4-7-6 of this chapter, and a notice of the owner's right to appeal the director's determination.

APPEAL OF VACANT BUILDING DETERMINATION:

A. An owner of a building determined by the director to be a vacant building as provided for in this chapter may appeal that determination to the City Administrator. Such appeal shall be in writing and shall be filed with the City Administrator within fifteen (15) days of the date of mailing of the notice of determination. The filing of an appeal stays the owner's obligation to register his or her building as required by section 4-7-6 of this chapter. The appeal shall contain a complete statement of the reasons the owner disputes the director's determination, shall set forth specific facts in support thereof, and shall include all evidence the owner relies upon to support the appeal. The City Administrator or [his or](#) her designee shall decide the appeal on the basis of facts presented by the owner in his or her written appeal and the director's written determination.

B. The burden is upon the owner to present sufficient evidence to persuade the City Administrator that it is more likely than not that the subject building is not a "vacant building" within the meaning of this chapter.

C. The City Administrator, or [his or](#) her designee, shall send a written decision to the owner within ten (10) days of [his or](#) her receipt of the appeal. The City Administrator may, but is not required to, seek additional information from the owner. The City Administrator, or [his or](#) her designee, may, upon written notice thereof to the owner, take ten (10) additional days, to decide the appeal if [he or](#) she determines that such additional time is required for consideration of the appeal.

D. An owner who wishes to challenge applicability of this chapter to his/her building prior to the director's determination having been made shall set forth specific facts to support inapplicability in writing to the director. In the event the director determines that the subject building is a "vacant building", the owner shall have the right to appeal the director's determination to the City Administrator as provided for herein.

E. If the City Administrator, or his or her designee, fails to grant or deny an appeal within the time periods set forth in this section, the appeal shall be deemed ~~denied~~granted.

F. All references to the City Administrator in this chapter shall be deemed to include the City administrator or his or her designee.

OBLIGATION TO REGISTER VACANT BUILDINGS AND FORECLOSED UNOCCUPIED BUILDINGS:

Owners of "vacant buildings" and mortgage lenders who acquire title to unoccupied buildings shall be required to register the same with the director as prescribed below:

A. Owner's Obligation To Register Vacant Buildings: The owner of a building that the director has determined to be a "vacant building", or the owner of a building whose appeal from the director's determination has been denied by the City Administrator, or the owner of a building who knows, or from all the facts and circumstances should know, that his or her building is or has become a "vacant building" within the meaning of this chapter, shall take the actions provided for in this section within fifteen (15) days after either the date of director's notice of determination, the denial of the owner's appeal, or the occurrence of facts that would cause a reasonable person to believe that the building was a "vacant building".

1. Registration of Building: The owner of a "vacant building" shall be required to register the building with the director on a form provided by the director and pay a ~~one~~two-hundred fifty dollar (~~\$15~~200.00) annual nonprorated vacant building registration fee. ~~This annual registration fee shall be in addition to the fifty dollar (\$50.00) inspection fee set forth in subsection 4-7-4D of this chapter.~~

a. The form shall include, as a minimum, the name, street address, and telephone number of the owner; the case name and number of any litigation pending concerning or affecting the building, including bankruptcy cases; and the name, street address, and telephone number of all persons with any legal, equitable or beneficial interest in the building or the premises. The form shall require the owner to identify and authorize a natural person twenty one (21) years of age or older who maintains a permanent address in Kendall County to accept service on behalf of the owner with respect to any notices the director sends pursuant to this chapter or service of process in any proceeding commenced to enforce any provision of this chapter, and file with the director on the registration form, the name, address, telephone number, of said person. A street address is required; a post office box is not an acceptable address.

b. The form shall require the owner to:

(1) Indicate his or her "acceptance of notice by posting" consenting to service of notices sent or required to be sent, pursuant to this chapter, by posting on the building if the owner fails to renew the registration if required, or maintain as

current with the director the information required regarding the person designated and authorized to accept notice and service of process;

(2) Renew the vacant building registration each year on the anniversary date of the first filing for the time the building remains vacant and pay the required ~~two~~ one hundred and fifty dollar (~~\$200~~150.00) annual fee; and

(3) File an amended registration within fifteen (15) days of any change in the information contained in the annual registration. A new registration is required for any change in ownership whatsoever.

~~dc.~~ Registration does not exonerate the owner from compliance with all applicable codes and ordinances, including this chapter, nor does it preclude any of the actions that the City is authorized to take pursuant to this chapter or elsewhere in this code.

~~2. Inspection Conducted: The City shall send anthe inspection report to the owner within thirty (30) days. The owner shall allow for a code compliance inspection of the interior of the vacant building and pay the fifty dollar (\$50.00) fee to defray the cost of said inspection. The inspection report shall include a reasonable date by which code compliance shall be required, and periodic reinspections shall take place, as necessary, until code compliance is achieved.~~

3. Insurance Required: The owner shall obtain liability insurance and maintain such insurance for as long as the building is vacant, and file evidence of such insurance with the director, as follows: five hundred thousand dollars (\$500,000.00) for a vacant residential building of one to three (3) units; seven hundred fifty thousand dollars (\$750,000.00) for a vacant residential building of four (4) to eleven (11) units; one million dollars (\$1,000,000.00) for a vacant residential building of twelve (12) to forty eight (48) units; two million dollars (\$2,000,000.00) for a vacant residential building of more than forty eight (48) units; and two million dollars (\$2,000,000.00) for a vacant manufacturing, industrial, storage, or nonresidential commercial building.

~~4. Vacant Building Plan: Unless waived in writing by the director at the time of his or her determination that the building is a "vacant building", the owner shall submit a vacant building plan at the time a building is registered as required herein. The director may prescribe a form for the plan. If the owner fails to submit the plan if so requested and as provided for by this chapter, the director may determine the plan, which he may allow to be modified after conducting a code compliance inspection and follow up inspections for code compliance. The plan shall contain the following as a minimum:~~

~~a. A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured or covered by any means other than conventional methods used in the design of the building or permitted for new construction or similar type. The proposed repair shall result in openings being secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type with board removed. Boarding shall be accomplished with materials and methods described by the director and available from the director. The owner shall maintain the building in an enclosed and secure state until the building is reoccupied or made available for immediate occupancy. If the owner demonstrates that securing of the building will provide adequate protection to the public, the director may waive the requirement of an enclosure.~~

~~b. For buildings and/or premises which are determined by the director as being or containing public nuisances, as defined in section 4 7 3 of this chapter, then the vacant building/premises plan shall contain a plan of action to remedy such public nuisance(s).~~

- c. ~~A time schedule identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and nuisance identified by the director.~~
- d. ~~When the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition. The owner shall ensure all necessary permits and approvals are obtained prior to commencing demolition.~~
- e. ~~A plan of action to maintain the building and/or premises thereof in conformance with this chapter.~~
- f. ~~A plan of action, with a time schedule, identifying the date the building will be habitable and occupied or offered for occupancy or sale. The time schedule shall include date(s) by which all necessary permits shall be procured, date(s) of commencement and completion of all actions required to achieve habitability. No plan which fails to provide for compliance with this chapter or, which will not, as determined by the director, achieve such compliance, within thirty (30) days, in the case of a vacant boarded building, and within one year, in the case of a vacant, unboarded, and code compliant building will be approved, except that the director may approve an extension of the time during which the building will be unoccupied beyond one year to a date certain but then only based upon clear and documented evidence of good cause shown by the owner as determined by the director.~~

All premises upon which unoccupied or vacant buildings are located shall at all times be maintained in compliance with this code, as amended, including, but not limited to, the following:

- (1) ~~Interior: All interior structures shall be maintained in a clean, safe, secure and sanitary condition. Special attention shall be made to utilities and, if applicable, sump pumps and other related devices shall be kept operational. Winterization of structures shall be completed as necessary.~~
- (2) ~~Exterior: All exterior structures and property shall be maintained and kept free of items that give the appearance that the property is abandoned, including, but not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, fliers and/or mail, past due utility notices and/or disconnected utilities, or the accumulation of junk or debris.~~

h-5. For vacant commercial property exterior lighting shall be maintained according to standards established by the director and available from the director.

i-a. For vacant commercial property, all ground floor windows facing street frontage, including, but not limited to, all display windows in unoccupied or vacant commercial buildings shall be kept in a well maintained and clean condition and shall be covered on the interior side in a professionally finished manner with an opaque window covering material manufactured for that purpose and approved by the director, or in the case of display windows, such windows shall be kept in a well maintained and clean condition and the display area shall be enclosed with a professionally finished backdrop, floor, side walls and ceiling all of which shall be kept in a well maintained and clean condition and shall be well lighted from ten o'clock (10:00) A.M. to ten o'clock (10:00) P.M. each day unless waived by the director in the event electricity has been shut off to the commercial building. Photographs, paintings and other works of art or other tasteful forms of decoration may be professionally displayed in these properly enclosed clear glass display windows. If opaque window covering material is used, a one foot by one foot (1' x 1')

clear glass opening through which the interior space is clearly visible shall be maintained at standing eye level along one edge of one such window.

~~5. Security Guard Service: In the event the director makes a written determination that the vacant commercial or industrial building constitutes a fire hazard, is otherwise dangerous to human life or the public welfare, involves illegal or improper use, occupancy, or maintenance, under such conditions that securing the building is insufficient to prevent the actual or threatened harm, the director shall provide notice thereof to the owner and may require the owner to provide bonded, licensed and insured security guard service at the building between the hours of four o'clock (4:00) P.M. and eight o'clock (8:00) A.M. as part of its vacant building plan.~~

6. Additional Information Posted: Affix to any building which is boarded, a weatherproof eight and one-half inch by eleven inch (8.5" x 11") sign which provides the following information: the name, address, and telephone number of the owner, the name, address and telephone number of the person authorized to accept notice and service of process and in addition, for buildings which are the subject of a foreclosure action, the name, address, and telephone number of the plaintiff and the plaintiff's attorney, if any, in the foreclosure action. The sign must be placed so that its message is legible from the public way.

B. Mortgage Lender's Obligation to Register Unoccupied Buildings Acquired through Mortgage Foreclosure: The obligation to register buildings shall extend to mortgage lenders that have obtained title to unoccupied buildings through a mortgage foreclosure action.

1. Mortgage lenders shall register unoccupied buildings with the director within fifteen (15) days of the date it knew or should have known that the building was unoccupied after the initiation of mortgage foreclosure proceedings, or within fifteen (15) days of obtaining title to same.

2. Mortgage lenders obtaining title to properties containing an unoccupied building shall comply with all of the requirements of this chapter with respect to ownership of vacant buildings.

3. An amended registration form shall be filed in accordance with subsection A of this section, within fifteen (15) days of any change in the information provided in any registration form provided hereunder, and a vacant building plan shall be filed in accordance with subsection A4 of this section within thirty (30) days of obtaining title to an unoccupied building, unless said requirement has been waived or extended in writing by the director prior to the expiration for said thirty (30) days.

~~;- APPROVAL OF PLAN;~~

~~A. Review of Vacant Building Plan: If required by this chapter, the director shall review the proposed vacant building plan in accordance with the standards below. The director shall send notice to the owner of the vacant building of his or her determination.~~

~~B. Standards for Vacant Building Plan Approval: In considering the appropriateness of a vacant building plan, the director shall include the following in his or her consideration and shall make written findings as to each:~~

~~1. The purposes of this chapter and intent of the City board to minimize the time a building is boarded or otherwise vacant.~~

~~2. The effect of the building and the proposed plan on adjoining property.~~

~~3. The length of time the building has been vacant.~~

~~4. The presence of any public nuisances on the property.~~

5. The likelihood that the plan or portion(s) thereof will prevent or ameliorate the condition it is designed to address.

~~4-7-107: AUTHORITY TO MODIFY PLAN; RIGHT TO APPEAL:~~

~~The director shall, upon notice to the vacant building owner, have the right to request an interior inspection and/or to request a vacant building plan at any time after making his or her initial written determination of a vacant building and to require the owner to modify the vacant building plan by modifying the dates of performance, the proposed methods of action, or by imposing additional requirements consistent with this chapter he or she deems necessary to protect the public health, safety, or welfare. The owner may appeal the director's determination under this section by filing an appeal in writing with the City Administrator within fifteen (15) days from the date of mailing such a determination. Appeals under this section shall be reviewed in accordance with the procedures set forth in section 4-7-5 of this chapter.~~

~~4-7-108: FAILURE TO COMPLY WITH PLAN:~~

~~Failure to have an approved vacant building plan within thirty (30) days of filing the registration form or failure to comply with the approved plan shall constitute a violation of this chapter subjecting the owner of the building to penalties as provided in this chapter and to any remedies the City may avail itself of as provided for herein and elsewhere in this code, as amended, including, but not limited to, an action to compel correction of property maintenance violations.~~

~~4-7-107: OTHER ENFORCEMENT:~~

The registration of a vacant building shall not preclude action by the City to demolish or to take other action against the building pursuant to other provisions of this chapter, this code, or other applicable legislation.

~~4-7-118: OCCUPANCY PERMIT:~~

An occupancy permit for vacant buildings issued by the building department and payment in full of all fees imposed pursuant to this chapter shall be required prior to any occupancy of a vacant building. Nothing contained in this chapter shall be construed to waive or modify the requirements to procure a building permit for any work or improvements to any vacant building or structure as provided in this code.

~~4-7-129: TIME RESTRICTIONS FOR BOARDED BUILDINGS:~~

Boarded buildings are declared to be a public nuisance. Boarding is only a temporary solution to prevent unauthorized entry into a vacant building. A vacant building may not remain boarded longer than sixty (60) days unless an extension of that time is part of a vacant building plan approved by the director.

~~4-7-1310: ENFORCEMENT AND PENALTIES:~~

A. Any person found to have violated any provision of this chapter shall be subject to a minimum fine of one hundred dollars (\$100.00) per day per violation to a maximum of seven hundred fifty dollars (\$750.00) per day per violation, in addition to any other legal or equitable remedies available to the City. Such other remedies include, but are not limited to, injunctive relief, application to a court of competent jurisdiction for a receiver, demolition, or condemnation, contracting for the repair or purchase of the premises, or foreclosure of any lien the City may have thereon.

B. A separate and distinct offense shall be committed each day on which such person or persons shall violate the provisions of this chapter.

C. The City may enforce this chapter through filing a notice of violation in its administrative adjudication hearing process pursuant to Chapter 14 of Title 1 of this Code or an action in the circuit court of Kendall County, Illinois.

D. Nothing herein contained shall prohibit the City from immediately condemning as provided in this code, a building or taking other immediate action upon a determination that the building is a public nuisance or poses an imminent danger to the occupants of the building, or the public health, safety and welfare.”

Section 2: This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this

_____ day of _____, 201~~7~~⁵.

CITY CLERK

CARLO COLOSIMO _____

KEN KOCH _____

JACKIE MILSCHEWSKI _____

ARDEN JOE PLOCHER _____

CHRIS FUNKHOUSER _____

JOEL FRIEDERS _____

SEAVER TARULIS _____

DIANE TEELING _____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this _____ day of _____ 201~~7~~⁵.

MAYOR

Draft 4/5/2017
Ordinance No. _____

**AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY,
ILLINOIS, ADDING LICENSING REQUIREMENTS AND REGULATION
OF VACANT BUILDINGS**

WHEREAS, the United City of Yorkville (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, the City desires to establish a program for identification, registration and regulation of buildings which are or become vacant and determine the responsibilities of owners of those vacant buildings.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: That Chapter 7 of Title 4 be and is hereby added to the Yorkville City Code to read as follows:

**“CHAPTER 7
VACANT BUILDINGS**

DECLARATION OF POLICY:

The purpose of this chapter is to protect the public health, safety, and welfare by enactment of this chapter which:

- A. Establishes a program for identification, registration, and regulation of buildings which are or become "vacant" as defined herein; and
- B. Determines the responsibilities of owners of vacant buildings; and
- C. Provides for administration, enforcement, abatement of public nuisances, and the imposition of penalties.

This chapter shall be liberally construed to effect its purposes.

OTHER ORDINANCES:

This chapter shall not be construed to prevent the enforcement of other applicable ordinances, codes, legislation, and regulations which prescribe standards other than are provided herein. When a provision of this chapter conflicts with any other provision of the code regulating the same subject matter, the more stringent or restrictive provision shall apply.

DEFINITIONS:

Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

BOARDED BUILDING: A building that has had, in a manner intended to be temporary or permanent, any or all of its openings covered by some material for the purpose of securing or preventing access or damage to the building or its components, whether such material is opaque, solid or transparent, and whether such material is affixed to the interior or exterior of the building. For the purpose of this definition, such openings shall include any doors, windows or other openings that exist for the purpose of providing light, ventilation, ingress and egress to the building or other access to a part or portion of the building.

BUILDING: Any residential structure, or portion thereof, containing one or more dwelling units used or intended to be used for human habitation, or any business or commercial structure occupied or intended for supporting any occupancy.

DANGEROUS BUILDING:

- A. Any building that is dangerous to the public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of its occupants or to neighboring structures; or
- B. Any building which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard; or
- C. Any building, which, by reason of faulty construction, age or lack of repair is likely to collapse or fall.

DANGEROUS STRUCTURE: Any structure which is in a condition that is dangerous to the public health in any way.

DIRECTOR: The community development director, or his or her designee. All references to the director in this chapter shall be deemed to include the community development director or his or her designee.

DWELLING: A structure, or portion thereof, used for human habitation

DWELLING UNIT: One or more rooms containing individualized cooking, sleeping and sanitary facilities which is designated, occupied or intended for use by one household.

EVIDENCE OF VACANCY: Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, the following:

- A. Substantially all lawful residential or business activity has ceased.
- B. The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units.
- C. The building is substantially devoid of contents.

- D. The condition and value of fixtures or personal property in the building.
- E. Lack of utility services (water, sewer, electric or natural gas).
- F. The building is the subject of a foreclosure action.
- G. The presence or recurrence of uncorrected code violations.
- H. Overgrown and/or dead vegetation.
- I. Accumulation of newspapers, circulars, fliers and/or mail.
- J. Abandonment by owner.

OWNER: Any person, agent, operator, firm, corporation, limited liability company, partnership, joint venture, land trust, inter vivos trust, or other entity having a legal or equitable interest in a property; or recorded in the official records of the state, county, or City as holding title to the property; or otherwise having control of the property, including, but not limited to, the guardian of the estate of any such person if ordered to take possession of real property by a court, the executor or administrator of the estate of any such person if authorized by statute or ordered to take possession of real property by a court, or any person maintaining, operating or collecting rent with respect to a property.

PERSON: Includes a corporation, a partnership, a limited liability company, a joint venture, or other entity as well as an individual.

PREMISES: A lot, plot or parcel of land including any structures thereon.

PUBLIC NUISANCE: Shall include the following:

- A. Any physical condition or uses of any premises that is regarded as a public nuisance at common law, under the Illinois Compiled Statutes, or under this code, as amended; or
- B. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, swimming pools and unsafe fences or structures; or
- C. Any building that has unsanitary sewage or plumbing facilities; or
- D. Any building designated by the director as unsafe for human habitation or use; or
- E. Any building that constitutes a fire hazard, or is unsafe or unsecure to a degree that endangers life, limb or property; or
- F. Any premises that is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
- G. Any building that is: in a state of dilapidation, deterioration or decay; improperly constructed; unsecured; vacant and boarded; damaged by fire to the extent that it no longer provides shelter; in danger of collapse or structural failure; or dangerous to anyone on or near the premises; or
- H. Any premises that contains evidence of unlawful activity to a degree that such activity may endanger, threaten or otherwise negatively impact the users and value of adjacent premises; or
- I. Any premises found by a court of competent jurisdiction to be a criminal public nuisance under this code; or
- J. Any building deemed to be a "dangerous building" or any structure deemed to be a "dangerous structure" under this section.

UNOCCUPIED BUILDING: Any business, industrial, retail, or commercial building, or any single-family or multi-family building, or portion thereof, which is vacant and lacks the habitual

presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by the director pursuant to authority granted to the director by this code. In determining whether a building is "unoccupied", the director may consider these factors, among others:

- A. A building at which substantially all lawful residential or business activity has ceased.
- B. The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units.
- C. The building is substantially devoid of contents. The condition and value of fixtures or personal property in the building are relevant to this determination.
- D. The building lacks utility services, i.e., water, sewer, electric or natural gas.
- E. The building is the subject of a foreclosure action.
- F. The building is not actively for sale as part of a contractual agreement to sell the building, and lacks "For Sale", "For Rent" or similar signage.
- G. The presence or recurrence of uncorrected code violations.

VACANT BUILDING: A building or portion of a building which is:

- A. Unoccupied and unsecured; or
- B. Unoccupied and secured by boarding or other similar means for more than thirty (30) days; or
- C. Unoccupied and a dangerous structure; or
- D. Unoccupied as a result of having been declared unsafe for occupancy by the director pursuant to applicable law; or
- E. Unoccupied and having multiple violations of this code, as amended; or
- F. Unoccupied and the building or its premises have been the site of unlawful activity within the previous six (6) months; or
- G. Condemned or declared unsafe for occupancy by the director and unlawfully occupied; or
- H. Unoccupied for over forty (40) days and during which time the director has issued an order to correct public nuisance conditions and the same have not been corrected in a code compliant manner; or
- I. Unoccupied and the subject of either pending mortgage foreclosure proceedings or mortgage foreclosure proceedings that have been completed within the past two (2) years and the building has not since been reoccupied; or
- J. Unoccupied for over one year; or
- K. Abandoned by persons who surrender their claim, right or interest in the property; or
- L. Unoccupied residential property found by a court of competent jurisdiction to be "abandoned residential property" as defined in sections 15-1200.5 and 15-1200.7 of the code of civil procedure.

But not including an:

Unoccupied building: a) which is undergoing construction, renovation, or rehabilitation and which is in compliance with all applicable ordinances, codes, legislation, and regulations, and for which a building permit has issued, and for which construction, renovation or rehabilitation is proceeding diligently to completion; or b) which is unoccupied as a result of the owner who is a member of the military and is deployed for military service and is otherwise secure; or c) which is secure but is the subject of a probate action, action to quiet title or other ownership dispute; or d) which is occupied only on a seasonal basis and is otherwise secure and in substantial compliance with all applicable codes, regulations and laws.

CITY: The United City of Yorkville, an Illinois municipal corporation of Kendall County, Illinois.

VACANT BUILDING DETERMINATION:

A. The director may evaluate buildings in the City that he or she believes to be unoccupied by means of any lawful exterior inspection and based on evidence of vacancy factors and make a determination as to whether the building is a "vacant building" within the meaning of section 4-7-3 of this chapter.. The director may determine that a building which meets any of the criteria set forth in the definition of "vacant building" in section 4-7-3 of this chapter is not to be regulated under this chapter for a stated period, if upon consideration of reliable, substantiated and sufficient evidence, he or she determines that the circumstances which give rise to the building being eligible for regulation hereunder are clearly temporary in nature and are either in the process of being addressed or will soon be addressed by the owner and that therefore regulation of the building under this chapter would not serve the public health, welfare, and safety and makes written findings in support of his or her decision. The determination shall be in writing and shall state the factual basis for the determination. For buildings the director determines to be "vacant buildings", he or she shall, within seven (7) days of making that determination, send notice of his/her written determination with the factual findings to the name and address of the last taxpayer of record for such parcel listed on the most recent Kendall County tax roll. Said notice of determination shall be sent by certified mail, return receipt requested, and by regular first class United States mail, with proper postage prepaid, or by personal substitute service and posted in a conspicuous location on the building. Failure of delivery shall not excuse a person from complying with this chapter. The director may personally serve or cause personal service of the notice of determination. Any person making such service shall execute an affidavit attesting to the facts of service. The director shall maintain a record of such mailing for each notice of determination sent.

B. The notice of determination shall contain a statement of the obligations of the owner of a building determined to be a vacant building, a copy of the registration form the owner is required to file pursuant to section 4-7-6 of this chapter, and a notice of the owner's right to appeal the director's determination.

APPEAL OF VACANT BUILDING DETERMINATION:

A. An owner of a building determined by the director to be a vacant building as provided for in this chapter may appeal that determination to the City Administrator. Such appeal shall be in writing and shall be filed with the City Administrator within fifteen (15) days of the date of mailing of the notice of determination. The filing of an appeal stays the owner's obligation to register his or her building as required by section 4-7-6 of this chapter. The appeal shall contain a complete statement of the reasons the owner disputes the director's determination, shall set forth specific facts in support thereof, and shall include all evidence the owner relies upon to support the appeal. The City Administrator or his or her designee shall decide the appeal on the basis of facts presented by the owner in his or her written appeal and the director's written determination.

B. The burden is upon the owner to present sufficient evidence to persuade the City Administrator that it is more likely than not that the subject building is not a "vacant building" within the meaning of this chapter.

C. The City Administrator, or his or her designee, shall send a written decision to the owner within ten (10) days of his or her receipt of the appeal. The City Administrator may, but is not required to, seek additional information from the owner. The City Administrator, or his or her designee, may, upon written notice thereof to the owner, take ten (10) additional days, to decide the appeal if he or she determines that such additional time is required for consideration of the appeal.

D. An owner who wishes to challenge applicability of this chapter to his/her building prior to the director's determination having been made shall set forth specific facts to support inapplicability in writing to the director. In the event the director determines that the subject building is a "vacant building", the owner shall have the right to appeal the director's determination to the City Administrator as provided for herein.

E. If the City Administrator, or his or her designee, fails to grant or deny an appeal within the time periods set forth in this section, the appeal shall be deemed granted.

F. All references to the City Administrator in this chapter shall be deemed to include the City administrator or his or her designee.

OBLIGATION TO REGISTER VACANT BUILDINGS AND FORECLOSED UNOCCUPIED BUILDINGS:

Owners of "vacant buildings" and mortgage lenders who acquire title to unoccupied buildings shall be required to register the same with the director as prescribed below:

A. Owner's Obligation To Register Vacant Buildings: The owner of a building that the director has determined to be a "vacant building", or the owner of a building whose appeal from the director's determination has been denied by the City Administrator, or the owner of a building who knows, or from all the facts and circumstances should know, that his or her building is or has become a "vacant building" within the meaning of this chapter, shall take the actions provided for in this section within fifteen (15) days after either the date of director's notice of determination, the denial of the owner's appeal, or the occurrence of facts that would cause a reasonable person to believe that the building was a "vacant building".

1. Registration of Building: The owner of a "vacant building" shall be required to register the building with the director on a form provided by the director and pay a one hundred fifty dollar (\$150.00) annual nonprorated vacant building registration fee.

a. The form shall include, as a minimum, the name, street address, and telephone number of the owner; the case name and number of any litigation pending concerning or affecting the building, including bankruptcy cases; and the name, street address, and telephone number of all persons with any legal, equitable or beneficial interest in the building or the premises. The form shall require the owner to identify and authorize a natural person

twenty one (21) years of age or older who maintains a permanent address in Kendall County to accept service on behalf of the owner with respect to any notices the director sends pursuant to this chapter or service of process in any proceeding commenced to enforce any provision of this chapter, and file with the director on the registration form, the name, address, telephone number, of said person. A street address is required; a post office box is not an acceptable address.

b. The form shall require the owner to:

(1) Indicate his or her "acceptance of notice by posting" consenting to service of notices sent or required to be sent, pursuant to this chapter, by posting on the building if the owner fails to renew the registration if required, or maintain as current with the director the information required regarding the person designated and authorized to accept notice and service of process;

(2) Renew the vacant building registration each year on the anniversary date of the first filing for the time the building remains vacant and pay the required one hundred and fifty dollar (\$150.00) annual fee; and

(3) File an amended registration within fifteen (15) days of any change in the information contained in the annual registration. A new registration is required for any change in ownership whatsoever.

c. Registration does not exonerate the owner from compliance with all applicable codes and ordinances, including this chapter, nor does it preclude any of the actions that the City is authorized to take pursuant to this chapter or elsewhere in this code.

3. Insurance Required: The owner shall obtain liability insurance and maintain such insurance for as long as the building is vacant, and file evidence of such insurance with the director, as follows: five hundred thousand dollars (\$500,000.00) for a vacant residential building of one to three (3) units; seven hundred fifty thousand dollars (\$750,000.00) for a vacant residential building of four (4) to eleven (11) units; one million dollars (\$1,000,000.00) for a vacant residential building of twelve (12) to forty eight (48) units; two million dollars (\$2,000,000.00) for a vacant residential building of more than forty eight (48) units; and two million dollars (\$2,000,000.00) for a vacant manufacturing, industrial, storage, or nonresidential commercial building.

4. All premises upon which unoccupied or vacant buildings are located shall at all times be maintained in compliance with this code, as amended, including, but not limited to, the following:

All exterior structures and property shall be maintained and kept free of items that give the appearance that the property is abandoned, including, but not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, fliers and/or mail, past due utility notices and/or disconnected utilities, or the accumulation of junk or debris.

5. For vacant commercial property exterior lighting shall be maintained according to standards established by the director and available from the director.

a. For vacant commercial property, all ground floor windows facing street frontage, including, but not limited to, all display windows in unoccupied or vacant commercial buildings shall be kept in a well maintained and clean condition and shall be covered on the interior side in a professionally finished manner with an opaque window covering material manufactured for that purpose and approved by the director, or in the case of

display windows, such windows shall be kept in a well maintained and clean condition and the display area shall be enclosed with a professionally finished backdrop, floor, side walls and ceiling all of which shall be kept in a well maintained and clean condition and shall be well lighted from ten o'clock (10:00) A.M. to ten o'clock (10:00) P.M. each day unless waived by the director in the event electricity has been shut off to the commercial building. Photographs, paintings and other works of art or other tasteful forms of decoration may be professionally displayed in these properly enclosed clear glass display windows. If opaque window covering material is used, a one foot by one foot (1' x 1') clear glass opening through which the interior space is clearly visible shall be maintained at standing eye level along one edge of one such window.

6. Additional Information Posted: Affix to any building which is boarded, a weatherproof eight and one-half inch by eleven inch (8.5" x 11") sign which provides the following information: the name, address, and telephone number of the owner, the name, address and telephone number of the person authorized to accept notice and service of process and in addition, for buildings which are the subject of a foreclosure action, the name, address, and telephone number of the plaintiff and the plaintiff's attorney, if any, in the foreclosure action. The sign must be placed so that its message is legible from the public way.

B. Mortgage Lender's Obligation to Register Unoccupied Buildings Acquired through Mortgage Foreclosure: The obligation to register buildings shall extend to mortgage lenders that have obtained title to unoccupied buildings through a mortgage foreclosure action.

1. Mortgage lenders shall register unoccupied buildings with the director within fifteen (15) days of the date it knew or should have known that the building was unoccupied after the initiation of mortgage foreclosure proceedings, or within fifteen (15) days of obtaining title to same.

2. Mortgage lenders obtaining title to properties containing an unoccupied building shall comply with all of the requirements of this chapter with respect to ownership of vacant buildings.

3. An amended registration form shall be filed in accordance with subsection A of this section, within fifteen (15) days of any change in the information provided in any registration form provided hereunder, and a vacant building plan shall be filed in accordance with subsection A4 of this section within thirty (30) days of obtaining title to an unoccupied building, unless said requirement has been waived or extended in writing by the director prior to the expiration for said thirty (30) days.

OTHER ENFORCEMENT:

The registration of a vacant building shall not preclude action by the City to demolish or to take other action against the building pursuant to other provisions of this chapter, this code, or other applicable legislation.

OCCUPANCY PERMIT:

An occupancy permit for vacant buildings issued by the building department and payment in full

of all fees imposed pursuant to this chapter shall be required prior to any occupancy of a vacant building. Nothing contained in this chapter shall be construed to waive or modify the requirements to procure a building permit for any work or improvements to any vacant building or structure as provided in this code.

TIME RESTRICTIONS FOR BOARDED BUILDINGS:

Boarded buildings are declared to be a public nuisance. Boarding is only a temporary solution to prevent unauthorized entry into a vacant building. A vacant building may not remain boarded longer than sixty (60) days unless an extension of that time is part of a vacant building plan approved by the director.

ENFORCEMENT AND PENALTIES:

A. Any person found to have violated any provision of this chapter shall be subject to a minimum fine of one hundred dollars (\$100.00) per day per violation to a maximum of seven hundred fifty dollars (\$750.00) per day per violation, in addition to any other legal or equitable remedies available to the City. Such other remedies include, but are not limited to, injunctive relief, application to a court of competent jurisdiction for a receiver, demolition, or condemnation, contracting for the repair or purchase of the premises, or foreclosure of any lien the City may have thereon.

B. A separate and distinct offense shall be committed each day on which such person or persons shall violate the provisions of this chapter.

C. The City may enforce this chapter through filing a notice of violation in its administrative adjudication hearing process pursuant to Chapter 14 of Title 1 of this Code or an action in the circuit court of Kendall County, Illinois.

D. Nothing herein contained shall prohibit the City from immediately condemning as provided in this code, a building or taking other immediate action upon a determination that the building is a public nuisance or poses an imminent danger to the occupants of the building, or the public health, safety and welfare.”

Section 2: This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this _____ day of _____, 2017.

CITY CLERK

CARLO COLOSIMO _____
JACKIE MILSCHEWSKI _____
CHRIS FUNKHOUSER _____
SEAVER TARULIS _____

KEN KOCH _____
JOEL FRIEDERS _____
ARDEN JOE PLOCHER _____
DIANE TEELING _____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this _____
day of _____ 2017.

MAYOR