

ORDINANCE NO. O-22-28

AN ORDINANCE DELETING THE OFFICE OF VILLAGE COLLECTOR, ARTICLE XIV OF CHAPTER 2, AND AMENDING PORTIONS OF CHAPTERS 14, 18, 38, 58, 62, 78, 82, 86, 90, AND 106 OF THE MUNICIPAL CODE OF HANOVER PARK TO INCLUDE TECHNICAL CHANGES OCCASIONED BY THE REMOVAL OF THE COLLECTOR OFFICE AND ALSO MODIFYING VILLAGE CLERK DUTIES AND RESPONSIBILITIES

WHEREAS, the Village of Hanover Park is a home rule unit by virtue of the provisions of the 1970 Constitution of the State of Illinois and may exercise and perform any function pertaining to its government and affairs including adoption of this Ordinance; now, therefore,

BE IT ORDAINED by the President and Board of Trustees of the Village of Hanover Park, Cook and DuPage Counties, Illinois, as follows:

SECTION 1: That Article XIV. – Village Collector, of Chapter 2 of the Municipal Code of Hanover Park, as amended, is amended by deleting said Article in its entirety.

SECTION 2: That Sections 14-102, 14-103, 14-104 and 14-106 of Chapter 14 of the Municipal Code of Hanover Park, as amended, is modified to read as follows:

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“Sec. 14-102. – Same - Applications; accompanying documents.

Applications for licenses to operate a kennel, pet shop, shelter, pound, or animal hospital shall be made to the village Inspectional Services Division. The application therefor shall describe the premises where the establishment is located or is proposed to be located, shall state the purpose for which it is to be maintained, and shall be accompanied by written approval of said department showing compliance with local and state rules and regulations governing location of and sanitation at such establishments.

Sec. 14-103. – Same - Fee.

The annual fee for a license to operate a kennel, pet shop, shelter, pound, or animal hospital shall be \$75.00 in addition to required business license fees as calculated in Section 58-41.

Sec. 14-104. – Same - Revocation.

The village president may, in addition to other penalties provided herein, or in chapter 58, revoke or refuse to renew any kennel, pet shop, shelter, pound or animal hospital license upon good cause; provided, however, that such revocation or refusal shall be only after a hearing held no less than ten days from the date of notice mailed to the license holder at the address given on the license of the intention to suspend or revoke such license.

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Sec. 14-106. - Inspection.

Inspectional Services Division shall make or cause to be made such inspections as necessary to ensure compliance with section 14-105. Subject to compliance with legal requirements, the Inspectional Services Division shall have the power to make or cause to be made entry into any building or premises in which is contained a kennel, pet shop, shelter, pound, or animal hospital for the purpose of making such inspections.”

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SECTION 3: That subparagraph c. of (12) of Section 18-101. - Amendments to the 2021 International Property Maintenance Code, of Chapter 18 of the Municipal Code of Hanover Park, as amended, is modified to read as follows:

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(12) 302.9 is amended by adding the following:

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C. The village shall send notice by certified mail return receipt requested to the owner of the property if on file with the village and the person in whose name the general taxes for the last proceeding year were paid or by regular mail to each business licensed by the village on that property of the violation of this section and for its abatement within seven days from the postmark of said notice.

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SECTION 4: That (a) of Sections 38-342, and (a) and (c) of Section 38-344 of Chapter 38 of the Municipal Code of Hanover Park, as amended, are modified to read as follows:

Sec. 38-342. - Requirements for installation of improvements.

(a) Upon approval of the detailed engineering plans by the village engineer, appropriate improvement bonds, escrow monies and irrevocable letters of credit for all improvements within the Village of Hanover Park as indicated in section 38-344 must be submitted to the village engineer, however, the escrow monies required in section 38-344(e) need not be deposited with the Village until the time the public improvements are to be accepted or the private improvements are to be approved by the village board, at which time it will be deposited with the village engineer. The improvement security shall not be released until escrow monies have been deposited and approved. Likewise, the land development permit fee must be paid before any permits will be granted.

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Sec. 38-344. - Permit fees, subdivision improvements security, escrow monies, guarantees and land development permits.

Before formal review and approval by the village engineer of any developments to build within the Village of Hanover Park the developer shall be responsible for the following nonrefundable fees:

(a) *Land development permit fee.* As part of the protective inspections policy of the Village of Hanover Park, a land development permit fee is hereby required for all developments to cover engineering plans review and construction inspections.

The required permit fee is set at two percent of the cost of the total of "improvements" as defined in this chapter less mass grading and less the cost of parking lot improvements.

The permit fee consists of one-half percent plans review fee plus 1½ percent construction inspection fee. This fee applies to all developments and is due upon submission of the developer's engineers' estimate. No review shall be performed until the fee is verified.

No building permits can be issued for any phase of the development until the aforementioned fees are on deposit with the village.

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(c) *Improvement security.* A subdivider or developer, upon approval of the detailed engineering plans by the village engineer, shall submit to the village engineer, for review by the village attorney, and for deposit with the village engineer a good and sufficient security for the completion of all public and private common improvements less mass earth and parking lot improvements in the amount of the estimate of the village engineer of 110 percent of the cost of the installation of such improvements. Said security shall provide that monies in such estimated amounts are on deposit with a bank or other financial institution and restricted for the purpose of the installation and completion of said improvements.

Such security shall be evidenced by an appropriate instrument which shall provide that no withdrawal or reduction shall be made without the written consent of the village manager and that in the event that said improvements are not completed in accordance with village requirements, the bank or other financial institution shall, upon written demand by the village manager, take any and all necessary steps to provide funds to the extent of such bank's or financial institution's remaining liability on such security for purpose of paying the cost of constructing said improvement. Such instrument shall further provide that no more than 50 percent of the amount deposited may be disbursed until the improvements have been completed and accepted by the village engineer.

Approval of payments for the installation of improvements shall not constitute acceptance of such improvements. All improvements, except the final wearing surface of any road, to be constructed hereunder, shall be completed within two years of the presentation of such

guarantees or further building permits or certificates of occupancy shall not be issued until such guarantees or securities are updated to reflect cost escalations and completion dates.

Where such improvements are being installed by reason of an approval of unit construction, the said security may be limited to those improvements necessary for the unit being constructed.

When the improvements have been accepted for full ownership and maintenance by the village, all obligation for the security set forth herein will be released by the village board provided, however, that the escrow monies referred to in subparagraph (d) must be submitted to the village engineer to be deposited with the village engineer before such release. In the event that the subdivision improvements will not ultimately be accepted by the village, the obligations hereunder will be released when the project or phase is totally completed and an inspection is made by the village to verify the completion of the required improvements in accordance with the village standards and a release letter is authorized by the village manager.

The requirements for the improvements security set forth herein apply to all types of developments regardless of use or ownership.

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SECTION 5: That Sections 58-2 (b(1))c (first paragraph of c.only), 58-04, 58-05, 58-06, 58-07, 58-08, 58-17 (d), 58-18, 58-19(a), 58-41 (i) and (j) but delete (k), 58-42 (a)(29) and a new (33), 58-93 (a)(5) and (15), 58-154 (g), 58-155, 58-181 (b), 58-202, 58-203, 58-205 (b), 58-222, 58-224, 58-226 (b) and (c), 58-227, 58-252, 58-301 (h)(2), 58-303, 58-304, 58-305, 58- 453, 58-455, 58-456, 58-491 (g), 58-518, 58-541, 58-542, 58-543, 58-544, 58-545, 58-703 (a)(10) and (b)(8), 58-725(a), 58-726, 58-727, 58-791, 58-792, 58-793 58-813 (a)(b)(c)(d) and (e), 58-814 (c), 58-815 (a), 58-816 (a)(e) and(f), 58-817, 58-824, 58-872 (2), 58-874(a)(5) and (b) and (c), 58-875(a) (b) and the first three lines of (c), 58- 876 (3) (5) b. and c. of (9(and c. of (17), 58-877, 58-878, 58-879, 58-880, and 58-881 of Chapter 58 of the Municipal Code of Hanover Park, as amended, is amended, modifying them as follows or adding new sections as set forth herein and below:

ARTICLE I. - GENERAL REGULATIONS

Sec. 58-2. - Rules of construction and definitions.

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(b) Definitions. The words and terms set forth in this section, wherever they occur in this chapter, shall be construed as herein defined:

(1) *Commercial establishments* includes the following activities of commerce or commercial activity located in the village:

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c. *Service establishment* is a building or premises or a portion thereof the principal use of which is for the rendering of personal or material services to consumers for profit.

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Sec. 58-4. - Applications.

- a. Applications for all licenses required by this chapter shall be made to the Inspectional Services Division in writing on a form prepared by the village. If it should appear to the village that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the applicant for the inclusion of such additional information as may be specified by the village.
- b.
 - (b) If the applicant is a corporation, the application shall contain the name, date of birth, and residential address of each principal officer and the registered agent thereof.
 - (c) Each application also shall contain:
 - (1) A designation of the type or kind of license desired;
 - (2) The location or proposed location of the commercial establishment or activity;
 - (3) The applicable fee to be paid;
 - (4) The number of the certificate of registration required under the Retailers' Occupation Tax Act (35 ILCS 120/1 et seq.), Service Occupation Tax Act (35 ILCS 115/1 et seq.), and/or Use Tax Act (35 ILCS 105/1 et seq.), if applicable; and
 - (5) Such additional information as may be needed for the proper guidance of village officials in the evaluation of such application, including but not limited to:
 - a. Proof of any insurance policy or bond if required.
 - b. Identity of management employees and their position with the applicant.
 - c. Applicants' businesses in other communities.
 - d. Whether the applicant has ever had a previous license denied, revoked, or suspended.
 - e. Whether the applicant has ever voluntarily withdrawn a license or application for a license during or pending an investigation for the suspension or revocation of that license.
 - f. Whether the applicant has ever been arrested or convicted of a misdemeanor or felony.
 - g. Proof of corporate good standing.
- h. Identity of suppliers, manufacturers representatives, and bank information.

Sec. 58-5. - Investigation.

- (a) Where this chapter requires or when it is deemed reasonably necessary or appropriate, an investigation or inspection shall be performed by any department or official of the village before the issuance of a license
- (b) The designated official or department in a reasonable time after receiving a copy of the application:
 - (1) Shall make all necessary investigations and inspections, and shall make a record of their findings.

- (2) Shall indicate a recommendation for the approval or disapproval to issue a license.

Sec. 58-6. - Approval; disapproval.

(a) If, after due consideration of the information contained within the application and related investigative and inspection reports, the designated official determines that the applicant meets the standards set forth, the designated official shall approve the application and shall notify the applicant that the application has been approved and shall issue a license. All licenses shall be subject to the provisions of this Code which may be in force at the time of the issuance thereof or which may subsequently be passed by the village board of trustees.

(b) If after due consideration of the information contained within the application and related investigative and inspection reports, the designated official determines that matters concerning the application are unsatisfactory, he or she shall disapprove the application, indicating the reasons therefor. Thereupon, he or she shall notify the applicant that the application has not been approved and that no license will be issued.

Sec. 58-7. - Appeal.

(a) Any person aggrieved by the decision of the designated official in regard to the denial of an application for a license, as provided in this chapter, shall have the right to appeal to the village president. Such appeal shall be taken by filing with the designated official within five days after notice of a denial of an application, a written statement under oath setting forth specifically the grounds for appeal. The village president shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant in the same manner as provided in section 58-14(d). The decision of the village president on such appeal shall be final.

(b) The acceptance of the license, upon reversal by the village president, shall constitute a waiver of all claims against the village, or any other officer or employee, arising out of the original refusal to issue the license. The burden shall be upon the applicant to show wherein the designated official has failed to meet the standards set forth in this section.

Sec. 58-8. - License term; expiration; renewal.

(a) All annual licenses shall commence on February 1 each year. No license shall be granted for a period longer than one year. Except where otherwise provided herein, every license shall expire on January 31 following the date of issuance. Applications received for new licenses between December 1 and January 31 of each year shall be issued licenses for the ensuing year.

(b) The village shall endeavor to notify each annual licensee of the expiration of time of the license held by the licensee at least 21 days prior to such expiration date; provided, that a failure to make such notification or the licensee's failure to receive it, shall not relieve the licensee from the obligation to obtain a new license or renewal.

(c) Except as otherwise provided herein, each license may be renewed upon proper application and payment of the required fee. The requirements and procedures for granting and issuing a license renewal shall be the same as the requirements and procedures for granting a new license.

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Sec. 58-17. - Suspension, revocation of license.

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(d) Hearing procedures.

(1) *Notice.*

a. Notice of a hearing shall set forth specifically the grounds of the complaint and the time and place of the hearing.

b. Such notice shall be served by certified mail (return receipt requested) to the licensee at his last known residence or business address, at least five days prior to the date set for the hearing or personally served on the licensee at least three days prior to the date set for the hearing.

c. If the licensee shall request a continuance in the date of the hearing, any suspension in effect shall be continued until the continued hearing date.

d. All pleadings, motions, notices, and orders shall be filed with the village manager.

(2) *Procedural rules.*

a. Prior to the beginning of any hearing, the village president may adopt additional procedural rules as may be necessary for that hearing.

b. At the hearing, the licensee shall be permitted counsel and shall have the right to respond, present evidence, and cross-examine witnesses.

c. All proceedings shall be stenographically or electronically recorded.

d. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the circuit courts of the state shall be followed. Evidence not admissible under those rules of evidence may be admitted, however, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record.

e. No discovery procedure shall be used prior to a hearing except by leave of the village president who shall supervise all or any part of any discovery procedure.

f. The standard for proof for hearings shall be by the preponderance of the evidence.

g. The village president shall preside and render the decision within a reasonable time after the conclusion of the hearing, but not later than 30 days after such conclusion. The decision shall be in writing and shall summarize the evidence and state the reasons for the decision.

(3) *Hearing costs.*

a. Any licensee whose license is suspended or revoked, or a business that operates without a license shall pay to the village the costs of the hearing before the village president. The village president shall determine the costs incurred by the village for said hearing, including, but not limited to, court reporter fees, the costs of transcripts or records, attorneys' fees, the cost of preparing the mailing notices and orders, and all other miscellaneous expenses incurred by the village or such lesser sum as the village president may allow.

b. The licensee shall pay said costs to the village within 30 days of notification of the costs by the village president. Failure to pay said costs within 30 days of notification is a violation of this section and may be cause for license suspension or revocation, or the levy of a fine.

Sec. 58-18. - Business vehicles.

Whenever the number of vehicles used is the basis, in whole or in part, for a license fee, the village clerk shall furnish the licensee with a tag or sticker for each vehicle covered by the license, and such tag or sticker shall be posted or affixed in a conspicuous place on each such vehicle.

Sec. 58-19. - Penalty; enforcement.

(a) In addition to the suspension and revocation provisions above, any person, firm, or corporation convicted of violating any provisions of this chapter shall be subject to a fine of not less than \$25.00 and not more than \$750.00. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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ARTICLE II. – FEES

Sec. 58-41. - License fees.

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(i) Noncompliance inspection service fee. When a village inspector determines after an initial inspection that additional follow-up inspections are necessary for enforcement of this chapter, except as to article V, one additional follow-up inspection for compliance shall be granted each permittee without charge. In the event that more than one follow-up inspection is needed, the permittee or licensee shall be assessed a noncompliance inspection service charge of \$50.00 per inspection. The \$50.00 noncompliance inspection service charge shall be assessed for each and every follow-up inspection after the initial inspection and the follow-up inspection. Payments must

be made in full prior to the license being issued or renewed. Failure to pay any balance will serve as grounds to deny further permits or licenses from being issued by the village.

(j) Article V noncompliance inspection service fee.

(1) The health officer or a duly authorized contractor designated as its health officer is charged with the enforcement of the codes adopted in article V and perform routine inspections at intervals necessary to enforce article V.

(2) When the health officer determines after an initial inspection that additional follow-up inspections are necessary for enforcement of article V, two additional follow-up inspections for noncompliance shall be granted each licensee without charge. In the event more than two follow-up inspections are needed, the licensee shall be assessed a noncompliance inspection service fee of \$50.00 per inspection. The \$50.00 noncompliance inspection service fee shall be assessed for each and every follow-up inspection after the initial inspection and two follow-up inspections. Payment shall be made in full within 30 days. Failure to pay any balance shall serve as grounds to deny further permits or licenses from being issued by the village.

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Sec. 58-42. - Fees for special business activities and machines.

(a) In addition to the fees required in section 58-41, the following annual fees shall be applicable to the indicated businesses and machines, provided that a separate fee shall be paid whenever more than one business, activity or machine is to be conducted or operated from the same premises:

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(29) Dog Breeder25.00

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(33) Kennels, pet shops, shelters, pounds, or animal hospitals\$75.00

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DIVISION 4. - CARNIVALS

Sec. 58-93. - Prerequisites for issuance or maintenance.

(a) The following provisions must be met in order to obtain a license and maintain a license once issued:

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(5) *Refuse clearance.* Any person granted a carnival license hereunder shall be responsible for keeping the grounds, area or parcel of land used for said carnival, including parking area, free and

clear of all rubbish, waste matter and debris during the time such carnival shall be carried on or conducted.

(a) Each applicant shall, before receiving a license, deposit with the village \$250.00 as security to insure that all rubbish, waste matter and debris is removed from the site. The village shall return the deposit upon notification from the licensee that they have moved from the site and the village determines that the site has been cleaned. If the site has not been cleaned of all refuse the village shall use all or some of the deposit for payment of services to clean the site and return any deposit not required for such service.

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(15) *Inspections.* Each licensee, after erecting all devices and equipment, but before allowing the public access to the carnival site, shall request an electrical and structural inspection by the village.

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ARTICLE IV. – CONTRACTORS

Sec. 58-154. - Regulations generally.

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(g) All contractors who are required to obtain a permit for the construction, alteration, or repair of any building or structure, including street and sidewalk pavement, shall file with the designated official a license and permit bond from a corporate surety authorized to transact business in the State of Illinois with the village as obligee for the benefit of the village and that of consumers dealing with the contractor or other security as approved by the village attorney. The bond or other security shall be in the amount of \$10,000.00 except for sewer and plumbing contractors which shall be in the amount of \$20,000.00. The bond shall be effective for not less than the term of the registration and shall not be terminated without a 30-day written notice of termination to the village. The bond shall be conditioned upon the faithful performance of all duties of and complying with all applicable state laws and ordinances of the village and terms of the registration, including all amendments thereto, including the payment of all fines and penalties imposed for any violation thereof.

Sec. 58-155. - Inspections to ensure compliance with article provisions.

It shall be the responsibility of the various departments of the village to make or cause to be made such inspections as may be necessary to ensure compliance with the provisions of this article and all other ordinances relating thereto.

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Sec. 58-181. - Regulations generally.

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(b) *Registration required.* It shall be unlawful for any person, firm or corporation to operate as a plumbing contractor either by himself or through an agent, employee or partner without first having obtained a registration and furnishing the appropriate license identifying himself as a licensed plumber.

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Sec. 58-202. - Adoption of regulations.

The latest edition of the FDA Food Code as adopted by the Illinois Department of Public Health together with all appendices thereto, and all subsequent editions or amendments is adopted as the regulations governing the sanitation procedures and controls for the storage, preparation and display of food sold within this village with such amendments as are hereinafter set forth in this chapter.

Sec. 58-203. - Unwholesome food; insanitary conditions.

No food store licensee shall offer for sale, or keep for the purpose of selling or offering for sale, any food of any kind intended for human consumption which is spoiled, tainted or unwholesome and unfit for human consumption for any reason, or violate any rule or regulation as provided in section 58-202.

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Sec. 58-205. - New food stores.

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(b) Properly prepared plans, including equipment specifications and installation layouts, shall be submitted to the inspectional services division of the fire department for review and approval before work is begun on the construction of new food stores or the reconstruction or extensive alteration of existing ones.

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Sec. 58-222. - Adoption of regulations.

The latest edition of the FDA Food Code as adopted by the Illinois Department of Public Health, together with all appendices thereto, and all subsequent editions or amendments is adopted as the regulations governing the sanitation procedures and control for the storage, preparation and serving of food within the village with such amendments as hereinafter set forth in this chapter.

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Sec. 58-224. - Unwholesome food.

No food service establishment shall offer for sale, or keep for the purpose of selling or offering for sale, any food of any kind intended for human consumption which is spoiled, tainted or is unwholesome and unfit for human consumption for any reason or violate any rule or regulation as provided in section 58-222 above.

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Sec. 58-226. - Food service construction requirements.

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(b) Complete plans, including equipment specifications and installation layouts, shall be submitted to Inspectional Services Division of the Fire Department for review and approval before work is begun on the construction of new food service establishments or the reconstruction or extensive alteration of existing ones.

(c) The construction, enlargement, alteration or conversion of a building for use as a food service establishment shall comply with the requirements of the current Food Service Design & Construction Manual published in pamphlet form by the DuPage County Health Department, Division of Environmental Health.

Sec. 58-227. - Food service establishments in other jurisdictions.

Food from food service establishments or food stores located outside the jurisdiction of the village may be sold within the village if such food service establishments or food stores conform to the provisions of this chapter or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Inspectional Services Division of the Fire Department may accept reports from the responsible authority in other jurisdictions where such food service establishments are located.

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Sec. 58-252. - Adoption of regulations.

The latest edition of the FDA Food Code is adopted as the regulations governing the sanitation procedures and controls for the storage, preparation and display of food sold within vending machines and food or beverage vending vehicle as the regulations of the village.

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Sec. 58-301. – Definitions

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(h) *Limited sales dealer:*

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(2) A limited sales dealer shall be required to provide evidence acceptable to the Inspectional Services Division of the Fire Department that it is complying with the restrictions of a limited sales dealer.

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Sec. 58-303. - Application for permit.

Applicants for a permit under this article, whether a person, firm or corporation, shall file a written, sworn application on a form provided by the Inspectional Services Division of the Fire Department, signed by the applicant if an individual, by all partners if a partnership and by the president if a corporation, with the Inspectional Services Division of the Fire Department showing:

(1) The name or names of the principals, agents, and employees of the applicant's business during the time that it is proposed that it will be carried on in the village; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (as proprietor, agent, employee or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on if any; and if a corporation, under the laws of what state it is incorporated.

(2) The fingerprints of the principals, agents and employees of pawnbrokers and dealers.

(3) Evidence provided by the applicant to the satisfaction of the chief of police that:

(a) The applicant has not been convicted of receiving stolen goods, burglary, robbery, or any felony in the federal or state courts, within the five years immediately preceding filing the application;

(b) No fraud, misrepresentation or false statement of material or relevant facts is contained in the application submitted by the applicant; or

(c) The applicant has not engaged in a fraudulent transaction or enterprise within the last five years immediately preceding filing the application.

(4) The place or places in the village where it is proposed to carry on the applicant's business, and the length of time during which it is proposed that said business shall be conducted.

(5) The place or places, including any other permanent place of business of the applicant, where the applicant within the six months next preceding the date of said application conducted an activity subject to the regulations hereof, stating the nature thereof and giving the

post office, street address, and town, village, or city of any building or office in which said business was conducted.

(6) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers.

(7) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted within the last five years of a felony, misdemeanor or the violation of any municipal or state law, the nature of such offense and the punishment assessed therefor.

(8) Credentials from the person, firm or corporation for which the applicant proposes to do business, authority for the applicant to act as such representative.

(9) Such other information as to the identity or character of the person or persons having the management or supervision of the applicant's business or the method or plan of doing such business as the chief of police may deem proper to fulfill the purpose of this article in the protection of the public good.

(10) The application shall state thereon that "It is unlawful for any person to make a false statement on this application." Any false statement made on the application form will void the application and constitute a misdemeanor punishable as provided by law.

Sec. 58-304. - Issuance of permit.

The Inspectional Services Division of the Fire Department shall issue the applicant a permit hereunder provided that the chief of police has first given his written report that the applicant has qualified for said permit.

Sec. 58-305. - Record of transactions.

Every pawnbroker, dealer and itinerant dealer for each secondhand article received or transferred shall enter into a computerized recordkeeping system approved and designated by the chief of police in the English language, at the time of each transaction within the village in the course of his business, an accurate account of each transaction except as to the sale of garbage or refuse. The record shall set forth a digital photograph as well as an accurate description of the goods, articles or things purchased, including the manufacturer, model, serial number and any such number or marking that is engraved, etched or written upon the property bartered, exchanged or received, the name, residence, driver's license number and description of the person selling, bartering or exchanging the same and the permit number if the goods can be purchased, sold, bartered or exchanged only under a permit issued by the Inspectional Services Division of the Fire Department . The description of the person required by this section shall consist of the hair color, sex, approximate height, weight, date of birth and any distinguishing features of such person. Such computerized recordkeeping system and property received shall at all reasonable times be available at such dealer's place of business and shall be open to the

inspection of any police officer of the village. It shall be unlawful for any person to fail to exhibit to any police officer of the village any record required to be kept pursuant to this section.

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Sec. 58-453. – Same - Application; prerequisites to issuance.

Applications for dry cleaning establishment licenses shall be made in writing to the Inspectional Services Division of the Fire Department who shall investigate or cause to be investigated the premises intended to be used and shall report the result of the investigation to the president and board of trustees of the village before the issuance of a license. No such license shall be issued to any person not complying with all of the provisions of this article, with the provisions of the building code, and with all ordinances relating to flammable liquids.

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Sec. 58-455. - Inspections.

The Inspectional Services Division of the Fire Department shall inspect or cause to be inspected every establishment licensed under this article at least once every year. Any violation of this article or other ordinances relating to dry cleaners, premises or flammable liquids shall be reported to the president and board of trustees.

Sec. 58-456. - Fire hazards.

The chief of the fire department or his designee shall have the right to enter any building or premises situated in the village and occupied by any dry cleaning establishment in order to examine the same and to determine whether or not such building and premises, or any material, chemical or compound kept therein, or used thereon, or any article or fabric dry cleaned, spotted, dyed or finished, as received, used, kept, maintained or stored on such premises or building conforms to the fire ordinances and regulations of the village or constitutes a fire hazard within the village.

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ARTICLE XIV. - SELF-SERVICE STATIONS

Sec. 58-491. - Definitions.

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(g) *Owner* shall mean any individual(s) or legal entity holding title, lease, license or any interest in a service station or self-service station. The legal name, residence, address and county of any individuals who are owners shall be filed with the Inspectional Services Division of the fire department.

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Sec. 58-518. - Penalty for violations.

Any person, including both the applicant and an individual filing on behalf of an application, who shall procure from the village clerk a license to conduct a sale under the description of one of the names set out in section 58-513 hereof which name shall be a misrepresentation of the true description or character of such sale or of the kind or condition of goods to be sold under such license, or any such person violating any of the other provisions of this article shall be subject to a fine of not less than \$10.00 nor more than \$500.00 for each offense and each day a violation occurs or continues to exist and each false statement of fact in an application shall constitute a separate offense.

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ARTICLE XVI. - ITEMS DESIGNED OR MARKETING FOR USE WITH ILLEGAL DRUGS

Sec. 58-541. - License required.

It shall be unlawful for any person or persons as principal, clerk, agent or servant to sell any item, effects, paraphernalia, accessories or things which are designed or marketed for use with illegal drugs as defined by Illinois Revised Statutes, without obtaining a license therefor. Such licenses shall be in addition to any or all other licenses held by the licensee.

Sec. 58-542. - Application.

Application for a license to sell any item, effect, accessory or thing which is designed or marketed for use with illegal drugs shall be in the form provided by the village clerk and shall be forwarded to the chief of police of the Village of Hanover Park Police Department. Every application filed with the Village of Hanover Park shall be accompanied by affidavits by the license applicant and each and every employee of said applicant authorized to sell such items that such person has never been convicted of a drug-related offense.

Sec. 58-543. - Recordkeeping and inspection.

Every licensee must keep a record of every item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal drugs which is sold. This record shall be open to the inspection of any police officer at any time during the hours of business. Such record shall contain the name and address of the purchaser, the name and quantity of the product, the date and time of the purchase and the signature of the licensee or his agent. Such records shall be retained for not less than two years.

Sec. 58-544. - Sales or gifts to minors prohibited.

It shall be unlawful to sell or give items as described above in any form to any person under 21 years of age.

Sec. 58-545. - Severability.

If any word, phrase, clause, sentence, paragraph, subsection or section of this article is found to be invalid, it shall not affect the validity of the remaining words, phrases, clauses, sentences, paragraphs, subsections and sections.

ARTICLE XVIII. - SELF-SERVICE LAUNDRIES

Sec. 58-703. - Regulations.

(a) The following conditions shall be the minimum requirements for the issuance and maintenance of a rabbitry permit:

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(10) Premises shall be inspected by the Inspectional Services Division of the Fire Department for compliance with all ordinances of the village.

(b) An alternative to a subsection (a) rabbitry shall be for a rabbitry to meet the following regulations:

* * * * *

(8) Premises shall be inspected annually by the Inspectional Services Division of the Fire Department for compliance with all ordinances of the village

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ARTICLE XXIV. - BARBER, COSMETOLOGY, MANICURE AND PEDICURE ESTABLISHMENTS

Sec. 58-725. - Compliance.

(a) Whenever a barber, cosmetology, manicure or pedicure establishment is constructed, altered or remodeled and whenever an existing structure is converted to use as a barber, cosmetology, manicure or pedicure establishment, properly prepared plans and specifications for such construction, altering, remodeling or conversion shall be submitted to the Inspectional Services Division of the Fire Department for review and approval before construction, altering, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout arrangement, construction materials of work areas, mechanical plans, and equipment specifications.

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Sec. 58-726. - Inspection—Pre-opening.

Whenever plans and specifications are required to be submitted by section 58-725 of this article, the Inspectional Services Division of the Fire Department shall inspect the barber, cosmetology, manicure or pedicure establishment prior to the start of operations to determine compliance with the approved plans and specifications and with the requirements of this Code.

Sec. 58-727. - Same—Access; reports.

After proper identification, the Inspectional Services Division of the Fire Department shall be permitted to enter any barber, cosmetology, manicure or pedicure establishment at any time when the operator or an employee is present for the purpose of making inspections to determine compliance with this Code.

Whenever an inspection of a barber, cosmetology, manicure or pedicure establishment is made, the findings shall be recorded in writing. A copy of the inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection.

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ARTICLE XXVII. - ~~Dog breeder~~

Sec. 58-791. – Definitions.

Dog Breeder is a person who sells, offers to sell, exchanges, or offers for adoption with or without charge dogs that he has produced and raised.

The term dog breeder kennel shall mean and include a single-family dwelling and lot where more than three dogs but not more than 20 dogs over four months of age are kept or raised but shall not include a commercial kennel or pet shop as licensed by article IV of Chapter 14.

Sec. 58-792. - License required.

It shall be unlawful for any person, firm or corporation to establish and maintain as a permitted accessory special use in the R single-family detached residence district a dog breeder without first having obtained a license as herein provided.

The Code Enforcement Unit shall keep a record of all licensed dog breeders that have complied with this section and is eligible to maintain or renew a license.

Sec. 58-793. - Regulations.

The following conditions and regulations shall be the minimum requirements for the issuance and maintenance of a dog breeder license.

- (1) All dogs shall be of the same breed and owned by the owner of the property;
- (2) There shall not be less than 180 square feet of floor area in the dwelling per dog over 12 months of age;
- (3) The property shall have received a special use for a dog breeder.
- (4) Compliance with all state laws and local ordinances regulating the care, treatment and licensing of dogs;
- (5) The license holder must be a member of a national breed club recognized by the American Kennel Club and documentation of such membership shall be provided;
- (6) A letter from a licensed doctor of veterinary medicine in the State of Illinois shall be submitted with each application for a license and its renewal that the doctor has knowledge of the operation of the dog breeder, has examined the dogs and has found that the dogs are properly cared for, are free of infectious or contagious diseases and have been properly immunized;
- (7) That on the property there shall be a fenced area for containing the dogs when not on a leash. The fenced area and dog run(s) shall comply with the requirements of the comprehensive zoning ordinance;
- (8) No dog shall be allowed to be kept outside overnight;
- (9) Compliance must be maintained with any condition imposed by the special use granting a dog breeder kennel for the property as an accessory special use; and
- (10) The premises must pass an inspection not less than every six months by a Code Enforcement Officer for compliance with all requirements of this chapter.

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Sec. 58-813. - Same—Processing of application; qualifications; term.

- (a) *Filing of application; fees.* Every applicant for a license to maintain, operate, or conduct a massage establishment shall file an application verified under oath or affidavit, in duplicate with the Inspectional Services Division of the Fire Department upon a form provided by the village and pay a nonrefundable application fee, plus the annual business license fee for a massage establishment, plus the actual cost of processing the fingerprints as required by this chapter.
- (b) *Investigation and recommendations.* The Inspectional Services Division shall inspect the premises proposed to be operated as a massage establishment, refer a copy of the application to the police department who shall investigate the applicants and make a report to Inspectional Services Division, with both the investigation and inspection shall concern compliance with village codes and federal and state laws.

(c) *Notice of action on application.* Within 30 days following the completion of both the inspection and investigation, Inspectional Services Division shall notify the applicant that his application is granted, denied, or held for further review. The period of such additional review shall not exceed an additional 30 days unless otherwise agreed to by the applicant. Upon the conclusion of such additional review, the village Inspectional Services Division shall advise the applicant in writing whether the application is granted or denied.

(d) *Grounds for denial or holding for further review.* Whenever an application is denied or held for further review, the Inspectional Services Division shall advise the applicant of the reasons for such action. An application may be denied by the village if it finds:

(1) That the operation, as proposed by the applicant, if permitted, would not have complied with the applicable federal, state and local laws, including but not limited to the building, fire, health and zoning codes of the village; or

(2) That the applicant and/or any other person who will be directly engaged in the management and operation of a massage establishment has been convicted within the previous ten years of:

a. A felony;

b. An offense enumerated in any provision of article II, entitled sex offenses, as found in 720 ILCS 5/11-1 et seq., as amended from time to time; or

c. Soliciting for a prostitute, pimping, prostitution, or a misdemeanor involving moral turpitude.

Provided that if the applicant is otherwise qualified, the Inspectional Services Division may recommend under this subparagraph (2): (i) granting of a license if the prohibited activity, other than sexual misconduct, has occurred more than five years but less than ten previous years ago but only if extenuating circumstances warrant the granting; (ii) or the village may recommend denial of a license if the prohibited conduct has occurred more than ten years ago and that the prohibited conduct is of such a nature that no license should be granted. The recommendation under (i) or (ii) above shall be made to the village president and village manager who, together, shall have the authority by written concurrence with their reasons, to grant or deny the license.

(e) *Duties of applicant.* The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application, or his refusal or failure to appear at any reasonable time and place for examination under oath regarding said application, or his refusal to submit to or cooperate with any inspection required by this chapter, shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial thereof by the Inspectional Services Division.

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Sec. 58-814. - Same—Contents of application.

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(c) The application for a license to operate a massage establishment shall state the name(s) of the individual(s) who will be the establishment's massage therapist(s). For each massage therapist(s) said application shall be accompanied by a copy of the state license issued to any such massage therapist together with a state issued photo identification of said person and shall be forwarded to Inspectional Services Division.

Sec. 58-815. - Same—Issuance; independent contractors.

(a) Upon receipt of the recommendations of the departments referred to in this article, Inspectional Services Division shall issue a business license to maintain a massage establishment.

* * * * *

Sec. 58-816. - Same—Revocation or suspension.

(a) Any license issued for a massage establishment may be suspended by the village manager for up to 30 days or suspended with a recommendation to revoke upon written notice to the license holder, which notice will state a basis or charge. The license holder may request a hearing in writing within ten days of receipt of the notice before the village president. The village president shall conduct the hearing for good cause or in any case where any of the provisions of this chapter are violated or any employee of the permittee, including a massage therapist, is engaged in any conduct at the licensee's place of business which violates any of the provisions of this chapter or any state law, or where any applicant has made a false statement on an application for a license under this chapter or in any case where the licensee refused to permit any duly authorized police officer or inspector of the village to inspect the premises or the operations therein or for interfering in the performance of his or her duties. Such license may also be suspended by the village manager, upon the recommendation of Inspectional Services Division such business is being managed, conducted or maintained without regard for the public health or health of patrons or customers or without due regard to proper sanitation or hygiene. The licensee shall be permitted to present any relevant evidence bearing on the notice. The decision of the village president shall be a final order.

When any license shall have been revoked for any cause, no license shall be granted to any person for the period of one-year thereafter for the conduct of the business of a massage establishment at the premises described in the revoked license, unless the revocation order has been vacated or unless the revocation order was entered as to the licensee only.

* * * * *

(e) A notice provided for in this article is properly served when it is delivered to the holder of the license, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the license holder. A copy of the notice shall be filed in the records of the inspectional services division.

(f) Whenever an inspection of a massage therapy establishment is made, the findings shall be recorded in writing by the Inspectional Services Division of the Fire Department... The inspection

report shall summarize the requirements of this article. A copy of the inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection.

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Sec. 58-817. - Same—Submission of plans and preopening inspection.

Whenever a massage therapy establishment is proposed to be constructed, altered, or remodeled, properly prepared plans and specifications for such construction, altering, remodeling shall be submitted to the Inspectional Services Division of the Fire Department for review and approval before construction, altering or remodeling is begun. The plans and specifications shall indicate the proposed layout, arrangement, construction materials, mechanical plans and equipment specifications. No license will be issued, nor any remodeled area be put into use until an inspection is made of the massage therapy establishment to confirm compliance with the approved plans and specifications.

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Sec. 58-824. - Inspections.

Inspectional Services Division shall from time to time, and at least twice a year, make an inspection of each massage establishment granted a license under the provisions of this article for the purposes of determining that the provisions of this article are complied with. Such inspections shall be made at any time, in any portion of a massage therapy establishment, except a massage therapy room that is occupied by a customer, client or patient, when the operator or an employee is present for the purpose of making inspections to determine compliance with this article. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

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ARTICLE XXX. - LICENSING REGULATIONS APPLICABLE TO SEXUALLY ORIENTED BUSINESSES

Sec. 58-872. - Definitions.

For the purpose of this article the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The words "shall" and "will" are mandatory and not discretionary.

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Sec. 58-874. - Contents of application for license; filing fee.

(a) Applicants for such licenses shall file a written, signed and verified application or renewal application on a form provided by the village. Such application shall contain:

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(5) The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who must comply with section 58-876(13) of this article shall submit a diagram meeting the requirements of that subsection. If the proposed business is to be located in premises which are proposed to be built out, the applicant shall submit all documents as required by the village to obtain a building permit.

* * * * *

(b) All applications for a license or renewal shall be filed with the Inspectional Services Division. Each application shall be accompanied by a nonrefundable fee for filing or renewal in an amount equal to the license fee for a class F liquor license, which fees will be used to defray the costs of investigation, inspection and processing of such application.

(c) Applicants for a license under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within 30 days from the date of such change, by supplementing the application on file with the Inspectional Services Division, shall be grounds for revocation of a license.

Sec. 58-875. - Processing of application for license; grounds for denial; posting.

- (a) Upon receipt of an application properly filed with the village and upon payment of the nonrefundable application fee, the Inspectional Services Division shall immediately stamp the application as received and distribute the application to the police department and any other village departments or other agencies responsible for enforcement of health, fire and building codes and laws. Each department or agency shall promptly conduct an investigation of the applicant, the application and the premises for the proposed sexually oriented business in accordance with its responsibilities under law and as set forth in this article. Said investigation shall be completed within 25 days of receipt of the application. At the conclusion of its investigation, each department or agency shall indicate its approval or disapproval of the application, and, in the event it disapproves, state the reasons therefor.
- (b) A department or agency shall within said 25-day period disapprove an application if it finds that the proposed sexually oriented business will be in violation of any provision of any statute, code, ordinance, regulation or other law in effect in the village. If a department or agency disapproves the application the department or agency shall specify the reason(s) for such disapproval, and each department or agency shall respond within the 25-day period.
- (c) A license shall be issued within 30 days of the receipt of the application unless it is determined by Inspectional Services Division that one or more of the following are true and correct:

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Sec. 58-876. - Minimum requirements for premises.

The premises for a sexually oriented business shall meet the following requirements:

* * * * *

- (3) Lighting shall be required which is designed to illuminate all off-street parking areas serving such use for the purpose of increasing the personal safety of store patrons and reducing the incidents of vandalism and theft. Said lighting shall be shown on the required plot plans and shall be reviewed and approved by the Inspectional Services Division.

* * * * *

- (5) The building entrance to a sexually oriented business shall be clearly and legibly posted with a notice indicating that persons under the age of 21 are precluded from entering the premises. Said notice shall be constructed and posted to the satisfaction of the Inspectional Services Division.

* * * * *

(9) Any sexually oriented business which allows customers to remain on the premises while viewing any live, filmed or recorded entertainment, or while using or consuming the products or service supplied on the premises, shall conform to the following requirements:

* * * * *

b. The entire exterior grounds, including the parking lot, shall be lighted in accordance with this code and any applicable standards promulgated by the director of the department of community development.

c. No exterior door or window on the premises shall be propped or kept open at any time.

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(17) The following additional requirements shall pertain to adult arcades which provide one or more viewing area(s):

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c. No alteration in the configuration or location of a manager's station(s) may be made without the prior approval of the Inspectional Services Division.

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Sec. 58-877. - Inspections.

(a) An applicant or licensee shall permit representatives of the police department and the inspectional services division to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

(b) A person who operates a sexually oriented business or his agent or employee commits an offense if he refuses to permit a lawful inspection of the premises by a representative of the police department at any time it is occupied or open for business.

Sec. 58-878. - Expiration and renewal of license.

(a) Each license shall expire one year from the date of issuance and may be renewed only by making a renewal application as provided in section 58-878(b). Application for renewal should be made no less than 30 days or more than 60 days before the expiration date of the then current license.

(b) An application for renewal of a license shall be completed, filed and processed in the same manner as an initial application for a license, except the applicant may resubmit any plan or drawing which accompanied an initial application, provided the applicant for the renewal certifies that no change has occurred to the improvements of the interior of the premises as such improvements are depicted on the plan or drawing which had previously been submitted.

- (c) If an application for renewal is approved or denied, inspectional services division shall, within 30 days from the date the renewal application has been filed, provide written notice, by certified mail, return receipt requested, of such approval or denial to the applicant, and if denied, the specific reason(s) for such denial. If the applicant elects to cure or abate any cause(s) of denial, it may do so by giving written notice of such election, within ten days after the date of the notice of denial, to the inspectional services division.

Sec. 58-879. - Suspension of license.

The inspectional services division shall request the village legal department to seek an order of court of competent jurisdiction to suspend a license if inspectional services determines that:

- (1) A licensee or an employee of a licensee has provided false information or any application for a license or renewal of a license required by this article;
- (2) A licensee is convicted of the commission of any misdemeanor or felony specified in section 58-875(c)(7)a; or
- (3) A licensee, or an employee of the licensee, has committed a violation of any provision of section 58-876 or section 58-877; or
- (4) A licensee, or an employee of the licensee, has knowingly permitted gambling by any person on the sexually oriented business premises.

Sec. 58-880. - Revocation of license.

(a) The village shall request the village legal department to seek an order of court of competent jurisdiction to revoke a license if a cause of suspension in section 58-879 occurs and the license has previously been suspended within the preceding 12 months

(b) The village shall seek to revoke a license if the village determines that:

- (1) A licensee gave false or misleading information in the material submitted to the village during the application process.
- (2) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises.
- (3) A licensee or an employee has knowingly allowed prostitution on the premises.
- (4) A licensee or an employee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended or expired.
- (5) A licensee has been convicted of an offense listed in section 58-875(c)(7)a for which the time period required in section 58-875(c)(7)b has not elapsed.

(6) On two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in section 58-875(c)(7)a, for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed.

(7) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises.

(c) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(d) When a license has been revoked pursuant to this section, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license for one year from the date revocation became effective. If, subsequent to revocation, the village finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under subsection 58-880(b)(5), an applicant may not be granted another license until the appropriate number of years required under section 58-875(c)(7)b has elapsed since the termination of any sentence, parole, or probation.

Sec. 58-881. - Appeals.

(a) *Appeal of decision of the village.*

(1) If the village denies the issuance of a license, or the reissuance of a license, the village shall send to the applicant, or licensee, by certified mail, return receipt requested, written notice of such decision and the right of the applicant or licensee to appeal said decision to the village manager. Notice of denial shall be mailed within five business days after the village has made such decision.

(2) The aggrieved party may appeal the decision of the village to the village manager by filing a written notice of appeal within five business days after the receipt of the decision of the village. If the cause(s) of the denial of the application for renewal of a license does not constitute immediate danger to the public health, welfare or safety, the filing of an appeal with the village manager stays the decision of the village in regard to an existing sexually oriented business until the village manager makes a final decision on the appeal. The village manager shall issue a final decision on the appeal no later than ten business days after the notice of appeal has been filed with the village manager.

(b) *Appeal of decision of village manager.*

(1) All the final decisions of the village manager under this article shall be subject to judicial review pursuant to the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.), and all amendments and modifications thereof, and the rules adopted pursuant thereto.

(2) If the cause of the denial of the renewal of a license for a sexually oriented business does not constitute immediate danger to the public health, welfare or safety, the filing of an appeal from the

final decision of the village manager stays the action of the village in denying the reissuance of a license.

SECTION 6: That subparagraphs (a) (b) (c) and (e) of Section 62-11-1338 of Chapter 62 of the Municipal Code of Hanover Park, as amended, is modified to read as follows:

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Subdivision A. - Commuter Parking Facilities

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Sec. 62-11-1338. - Permit parking.

(a) Monthly and yearly parking permits shall be purchased in person or by mail on a first come, first served basis from the Finance Department. Permits are only valid for the month or year for which it is issued and valid only in the monthly and yearly parking areas.

(b) All permit sales are final, and no refunds or exchanges shall be given.

(c) Permits shall be paid in cash, credit card, check or money order at the Finance Department, or pay online through the village's website. Any check returned or dishonored for any reason shall result in the issuer being subject to the provisions of section 2-348, and the permits purchased shall be void.

* * * * *

(e) It shall be unlawful for any person except the finance department to sell, offer to sell or otherwise transfer any parking permit.

SECTION 7: That subparagraphs (b) of Section 78-112 and of Chapter 78 of the Municipal Code of Hanover Park, as amended, is modified to read as follows; and there is added a new Section 78-117 to Chapter 78 of the Municipal Code of Hanover Park, as amended, as follows:

Sec. 78-112. - Permits generally.

* * * * *

(b) *Application for permits.* Application for permits to so install, maintain and operate a signaling device shall be filed with the Inspectional Services division on forms supplied by the village and shall be accompanied by the required fee of \$25.00. Automatic signaling devices installed operated or maintained by a municipal corporation or other units of government shall pay no license fee.

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Sec. 78-117 – Central Station Alarms:

Every central station alarm company maintaining, or which has alarm users located within the corporate limits of Hanover Park shall furnish to the Village a complete list of all its subscribers and shall report to the Village any new subscribers at the time of paying the alarm permit for such subscribers.

SECTION 8: That subparagraphs (d) of Section 82-16 of Chapter 82 of the Municipal Code of Hanover Park, as amended, is modified to read as follows:

Sec. 82-16. - Crime free housing.

* * * * *

(d) The crime free multi-housing coordinator, as designated by the chief of police, shall keep a record of owners, agents and/or designees who have attended the seminar, with verification that the owner, agent or designee has complied with this section 82-16 and is eligible to obtain, maintain or renew the operating license.

* * * * *

SECTION 9: That Sections 86-3, 86-52, 86-53, 86-83, 86-87, 86-88, 86-121, 86-123, 86-231, and 86-233 of Chapter 86 of the Municipal Code of Hanover Park, as amended, is modified to read as follows:

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Sec. 86-3. - Same—Application, contents.

Applications for permits required by section 86-2 shall be made to the Inspectional Services Division and shall state the location of the intended pavement or repair, the extent thereof and the person who is to do the actual construction work.

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Sec. 86-52. - Same—Application.

Application for permits required by this article shall be made to Inspectional Services Division and shall be accompanied by the fee required.

Sec. 86-53. - Issuance of permit subject to approval and order of director of public works and Inspectional Services Division.

No permit for construction of a driveway for commercial use or for the habitual use of someone other than the owner or occupant of the premises shall be issued except upon the order of the director of public works and buildings. All permits shall be subject to the approval of the director of public works and buildings.

* * * * *

Sec. 86-83. - Same—Application; contents.

Applications for permits required by this article shall be made to the Inspectional Services Division and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, the person doing the actual excavating work, and the name of the person for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done.

* * * * *

Sec. 86-87. - Same—Bond prerequisite.

No permit required by this article shall be issued unless and until the applicant therefor has filed with the village engineer a bond or certificate of insurance in the sum of \$50,000.00 conditioned to indemnify the village for any loss, liability or damage that may result or accrue from or because of the making, existence or manner of guarding or constructing any such tunnel or excavation. Such bond shall have as surety a corporation licensed to do business in the state as a surety company.

Sec. 86-88. - Same—Deposit prerequisite; disposition of deposit.

No permit required by this article shall be issued unless and until the applicant therefor has deposited with the village engineer a cash deposit in the sum of at least \$20.00 if no payment is involved, and at least \$100.00 if the excavation is in a paved area, to insure the proper restoration of the ground and laying of the pavement, if any. From this deposit shall be deducted the expense to the village of relaying the surface of the ground or pavement and of making the refill if this is done by the village or at its expense, and the balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

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Sec. 86-121. - Required.

All lots, buildings and structures in the village shall be numbered in accordance with the street numbering plan of the village.

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Sec. 86-123. - House number to be displayed.

It shall be the duty of the owner or occupant of every house in the village to have placed on the house or lot, in a place visible from the street, figures showing the number of that house; any person failing to so number any house or lot owned or occupied by him, after receiving notice to do so from the code enforcement, shall be punished as provided in section 1-9 of this Code for each day on which the failure to so number continues.

* * * * *

Sec. 86-231. - Variances.

(e) *Right to appeal.* Any utility aggrieved by any order, requirement, decision, or determination, including denial of a variance, made by the village engineer under the provisions of this chapter shall have the right to appeal to the village manager.. The application for appeal shall be submitted in writing to the village manager within 30 days after the date of such order, requirement, decision or determination. The village manager shall commence their consideration of the appeal within 30 days.

* * * * *

Sec. 86-233. – Enforcement:

Nothing in this article shall be construed as limiting any additional or further remedies that the village may have for enforcement of this article.

SECTION 10: That paragraphs (c) (d) and (e) of Section 90-4; Section 90-62; Section 90-63; Section 90-64; subparagraph (1) of paragraph (b) of Section 90-96; subparagraph (6) of paragraph (d) of Section 90-121; paragraphs (a) (b) and (d) of Section 90-122; paragraphs (a) and (b), subparagraph (3) of paragraph (d), and paragraph (e) of Section 90-125; subparagraphs (2) and (3) of paragraph (b), and adding a new subparagraph (4) to paragraph (b), and subparagraph (1) of paragraph (d) of Section 90-181; all of Chapter 90 of the Municipal Code of Hanover Park, as amended, are modified to with the aforementioned addition to read as follows:

Sec. 90-4. General provisions.

* * * * *

(c) No land shall be subdivided for any use which is determined by the development commission after investigation by the village engineer to be located within areas of special flood hazard until the subdivider has complied with the Village of Hanover Park, Illinois, Engineering Standards and Specifications, chapter 38, article VIII.

(d) No land shall be subdivided for any use which is determined by the development commission after investigation by the village engineer, to be unsuitable for such a use by reason of flooding or bad drainage, adverse earth and rock formation or topography, or any other features likely to be harmful to the health, safety or welfare of the future residents in the proposed subdivision or of the community.

Unsuitable land located within areas of special flood hazard as identified in chapter 38, Engineering Standards and Specifications, article VIII, and shall be subject to the provisions of that chapter and article.

Unsuitable land located outside areas of special flood hazard may be subdivided only if the subdivider agrees to make improvements which will, in accordance with chapter 38, Engineering Standards and Specifications, make the area safe for occupancy and provide adequate lot and street drainage and storm water detention facilities.

(e) Where the developer or subdivider of land outside areas of special flood hazard can show in writing and with appropriate documentation that the strict adherence to the design standards set forth causes an unnecessary hardship, the village board may approve a variance. Such variance may be granted after recommendation by the development commission and where topography and conditions peculiar to the site or surrounding area substantiates a variance without destroying the intent of the provisions of this chapter. Variances for land within areas of special flood hazard shall be subject to the provisions of chapter 38, Engineering Standards and Specifications, article VIII.

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Sec. 90-62. - Preliminary consultation.

(a) *Informal meeting.* The subdivider submits a letter of intent to the village manager and staff requesting an informal meeting with the manager and staff to discuss the proposed subdivision and proposed improvements. The Village Manager shall initially determine the need for a sketch plan. The subdivider shall present to the development commission general subdivision information which shall describe or outline the existing conditions, the sketch plan if required by the village manager of the site and the proposed development and, the sketch plan if required by the village manager. The development commission shall determine the need for a sketch plan review of the proposed development, if not otherwise required by the manager. If the development commission determines that there is no need for a sketch plan review, they shall advise the subdivider to proceed directly to the preliminary plat phase.

(b) *Sketch plan review.* When it is determined by the village manager or the Development Commission that there is a need for a sketch plan review of the proposed subdivision, the subdivider shall prepare 7 printed copies and 1 electronic copy of the following information for presentation to the development commission at a regularly scheduled meeting:

- (1) General subdivision information.
- (2) Sketch plan.
- (3) Tentative engineering proposals.

See [section 90-121](#) for details of these elements.

(c) *Sketch plan review with subdivider.* The development commission, after reviewing the sketch plan, shall discuss its findings with subdivider. It is the obligation of the subdivider to comply with the terms and provisions of these regulations and the development commission's review and comments concerning the sketch plan shall not be a bar or estoppel to the commission's authority to enforce strict compliance with the terms and provisions hereof by any preliminary and/or final plat of the proposed subdivision.

Sec. 90-63. - Preliminary plan.

(a) *Plan and application.* Subsequent to the sketch plan being waived or reviewed the subdivider shall prepare a preliminary plan, which plan shall include a proposal for the installation of improvements and intended dedication or reservations of public land, and submits an application and 7 printed copies and 1 electronic copy of the proposed preliminary plan to the zoning administrator.

(b) *Action by the zoning administrator.* The zoning administrator shall cause copies of the preliminary plan to be distributed to the appropriate village departments (engineering, Inspectional Services Division, public works, etc.) and relevant taxing districts (school, park, fire, library etc.) with a request for review and comments to be received back within 30 days.

The *zoning administrator* shall then refer the preliminary plan and any comments received to the Village of Hanover Park Development Commission not less than 7 working days prior to a regular meeting of the development commission.

(c) *Action by development commission.* The development commission, after applying the provisions of the chapter, either approves the preliminary plan, or it approves the preliminary plan subject to modification, or it rejects the preliminary plan. Findings and recommendations are reported to the village board and the subdivider.

(d) *Action by village board.* The village board may accept or reject or modify the recommendations of the development commission. If the village board approves of the recommendation, it shall approve of the preliminary plan by resolution or ordinance. If the village board modifies or rejects the preliminary plan it shall specifically state the reason for such modification or rejection. The village board also have the right to cause the preliminary plan to be resubmitted to the development commission for further consideration without first rejecting or modifying the plan. The village board shall take this action within 30 days after its next regular meeting following the receipt by the village board of the development commission recommendations.

Sec. 90-64. - Final plat.

(a) *Plat and documents.* After complying with the above requirements the subdivider prepares and submits to the *zoning administrator*, the original and 7 printed copies and 1 electronic copy of the final plat incorporating all provisions of the approved preliminary plan.

(b) *Action by zoning administrator.* The *zoning administrator* refers the final plat to the development commission not less than 7 working days prior to a regularly scheduled meeting of the development commission.

(c) *Action by development commission.* The development commission determines whether or not the final plat is in conformance with the approved preliminary plan and forwards the plat, with its recommendation, to the village board.

The village board shall not place the final plat on an agenda for consideration until it has received written certification from the village engineer of his review and approval of engineering plans and specifications and that the requisite bond, if required, has been received, reviewed and approved by all appropriate village officers.

(d) *Action by village board.* The village board may accept or reject or modify the recommendations of the development commission. If the village board approves the recommendation, it shall approve of the final plat by resolution. If the village board modifies or rejects the final plat it shall specifically state the reason for such modification or rejection. The village board shall also have the right to cause the final plat to be resubmitted to the development commission for further consideration without first rejecting or modifying the plan. The village board shall take this action within 30 days after its next regular meeting following the receipt by the village board of the development commission's recommendations.

(e) *Recording of plat.* After the approval of the final plat, the village records the plat with the recorder of deeds of Cook or Du Page County and the subdivider may then proceed to develop and sell lots of his subdivision in accordance with this chapter.

(f) *Alternate final plat approval without review by development commission.* A subdivider may request alternate final plat approval without review and approval of the final plat by the development commission if the final plat of subdivision complies with the approved preliminary subdivision plan and all applicable requirements of this chapter and the Hanover Park comprehensive zoning ordinance as determined by the zoning administrator and the village engineer. In such case, the final plat shall be referred directly to the village board for final consideration in the following manner:

(1) The subdivider shall submit 7 printed copies and 1 electronic copy of the final plat to the *zoning administrator*.

(2) Within 20 working days of receipt of the final plat, the zoning administrator shall give the subdivider written notice that such plat complies with all applicable requirements of this chapter and the comprehensive zoning ordinance or the specific reasons why such plat and/or other required documents fail to comply with such requirements.

(3) Upon determination by the zoning administrator and the village engineer that the final plat complies with all applicable village, state and federal regulations, the zoning administrator shall submit the plat to the village board with a recommendation for approval.

(4) At the next regularly schedule village board meeting the resolution for the final plat approval shall be presented for consideration and adoption.

(g) *Resubdivision of nonresidential property.* If the owner of any property contained in a recorded subdivision in a nonresidential zoning district desires to resubdivide one or more abutting lots, the owner may file a plat of resubdivision for approval as described in subsection (f), above, except that no preliminary resubdivision plan shall be required.

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Sec. 90-96. Reservation of public spaces and sites.

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(b) *Adequate open space required.*

(1) *Floodplain areas.* The village board may, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps. Refer to the Engineering Standards and Specifications, chapter 38, article VIII.

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Sec. 90-121. - Preliminary consultation.

(d) *Action by the development commission.* The development commission in conjunction with the village engineer shall review the general subdivision information, sketch plan and tentative engineering proposals and proceed with the following investigations:

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(6) *Location of floodplains and wetlands.* Advise the developer of the need for a special use hearing if the proposed subdivision is located on a floodplain or wetland area as identified in article VIII of chapter 38, Engineering Standards and Specifications.

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Sec. 90-122. - Procedure for approval of preliminary plan.

(a) *Action by the subdivider.* The subdivider shall cause to be prepared a preliminary plan, which said plan shall include all of the property owned or controlled by the applicant which properties are adjacent to or considered to be contiguous to the proposed subdivision together with improvement plans and other supplementary material as specified shall be submitted to the *zoning administrator*, with written application for approval. In preparing this plat, due regard shall be given to the preservation of natural features such as large trees, watercourses, historical and similar community assets. Accompanying this preliminary plan shall be a school demographic study including the latest estimated Ultimate Population per Dwelling Unit Table in the appendix of this chapter, 7 printed copies and 1 electronic copy of the preliminary plan and all accompanying documentations and the required filing fee shall accompany the application. These documents are due 45 days before the next regularly scheduled development commission meeting.

Editor's note— The Estimated Ultimate Population per Dwelling Unit Table is not set out herein, but is on file and available for inspection in the office of the village clerk.

(b) *Action by the zoning administrator.* The *zoning administrator* shall cause copies of the preliminary plan to be distributed to the appropriate village departments (engineering, Inspectional Services Division, public works, etc.) and relevant districts (school, park, fire, library etc.) with a request for review and comments to be received back within 30 days. The *zoning administrator* shall then refer the preliminary plan and any comments received to the Village of Hanover Park Development Commission not less than 7 working days prior to a regular meeting of the development commission.

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(d) *Distribution of approved plan.* The *zoning administrator* shall retain one print of the approved preliminary plan and shall distribute the approved preliminary plan as follows:
One cover letter to the development commission.
One electronic copy shall be sent to the village engineer.
One print and one electronic copy cover letters shall be retained by the *zoning administrator* and village clerk for filing and departmental use.
One electronic copy of the Resolution or Ordinance shall be sent to the subdivider.
Copies of the Resolution or Ordinance which are sent to the subdivider along with his approved preliminary plan may also be sent to:
Appropriate school district(s);
Appropriate park district(s);
Appropriate fire protection district(s);
as determined by the *zoning administrator*.

Sec. 90-125. - Procedure for approval of final plat.

(a) *Action by the subdivider.*

(1) *Application to zoning administrator.* Application for approval of the final plat including all engineering drawings, shall be submitted in writing to the *zoning administrator* within one year of approval of the preliminary plat. The application shall be accompanied by the recording fee and engineering review fees as required in these regulations. The application shall include the original and 7 copies of the proposed final plat and all other required documents.

(2) *Conformance with preliminary plan.* The final plat shall conform substantially to the preliminary plan as approved, and, if desired by the development commission, it shall constitute only that portion of the approved preliminary plan which the subdivider proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations. The applicant may delay application for approval of other parts until a later date or dates beyond one year from approval of preliminary plat with the approval of the municipal authorities; provided, all facilities required to serve the part or parts for which final approval is sought have been provided. In such case, only such part or parts of the plat as have received final approval shall be recorded.

(b) *Action by the zoning administrator.* The *zoning administrator* shall submit the final plat and other required documents to the development commission for its review and recommendations for approval or disapproval at least 15 days prior to a regularly scheduled meeting.

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(d) *Action by the village board.*

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(3) *Approved plat copies.* Upon approval by the village board, the village engineer shall produce three contact prints from the mylar reproducible print of the approved final plat and

three copies of the approved supporting documents. The cost of such prints and copies of such documents shall be paid by the subdivider.

(a) One contact print of the final plat, when applicable, one copy of the accompanying protective covenants and one copy of the supporting documents shall be delivered to and retained by the *zoning administrator*;

(b) One contact print and all specifications, drawings and estimates shall be retained the village engineer; and

(c) One contact print and all other supporting documents shall be retained by the village clerk.

(e) *Filing of final plat.*

(1) *Filing with county.* After approval by the village board, the village shall promptly record the plat with the Cook or Du Page County Recorder.

(2) *Filing for local record.* The final plat in exact form as approved by the village board, and as filed with the Cook or Du Page County Recorder, shall be filed for local record by the village clerk. Such local file copy shall bear the appropriate documentation number such as assigned by the Cook or Du Page County Recorder.

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Sec. 90-181. - Organization.

The following offices of the government of the Village of Hanover Park are concerned with the administration of this chapter:

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(b) *The village engineer.*

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(2) *Record retention.* The village engineer shall retain one contact print of the recorded Final Plat, all specifications, drawings and estimates.

(3) *Inspection of work.* The village engineer shall inspect all improvements required by this chapter both during construction and after completion to insure compliance with this chapter and with good construction practice.

(4) *Conflict of interest.* The village engineer shall not be retained by a subdivider or other interested party to perform engineering work in any subdivision subject to the application of this chapter.

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(d) *The village clerk.*

(1) *Recording.* The village shall record the final plat with the Cook or Du Page County recorder promptly after approval thereof by the village board.

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Sec. 90-96. Reservation of public spaces and sites.

(b) *Adequate open space required.*

(1) *Floodplain areas.* The village board may, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps. Refer to the Engineering Standards and Specifications, chapter 38, article VIII

Sec. 90-121. - Preliminary consultation.

(d) (6) *Location of floodplains and wetlands.* Advise the developer of the need for a special use hearing if the proposed subdivision is located on a floodplain or wetland area as identified in article VIII of chapter 38, Engineering Standards and Specifications.

SECTION 11: That subparagraphs (d) and (h) of Section 106-161 of Chapter 106 of the Municipal Code of Hanover Park, as amended, is modified to read as follows:

Chapter 106 - WATER AND SEWERS

Sec. 106-161. - Building sewer and connection permit required.

(d) There shall be three classes of building sewer permits: (a) for residential services; (b) for commercial services; and, (c) for service to establishment producing industrial wastes. In either case, the owner or his agent shall make application on a form furnished by the village. The permit application, which is filed with Inspectional Services Division, shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Village of Hanover Park. A permit fee as required by section 74-169 shall be paid at the time the application is filed. This permit fee is in addition to the sewer connection permit fee and also in addition to user charge fees, the provisions of which are detailed in subsequent sections of this Code. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity. In addition to

obtaining a sewer permit, significant industrial users must obtain a wastewater discharge permit as provided for in section 106-180.

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(h) Any person who makes any excavation, or does any other work without first securing the permit required by this section, shall, in addition to any other penalty imposed by this section, pay to the Village within 24 hours of receipt of demand therefore, the sum of \$100.00 for the purpose of paying the fees of the building inspector. Such inspector shall thereupon make an inspection as in other cases. Failure to pay the said sum on demand as provided shall constitute a separate violation.

SECTION 12: That each section, paragraph, sentence, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof, other than the part affected by such decision.

SECTION 13: That except as to the amendments heretofore mentioned, all chapters and sections of the Municipal Code of Hanover Park shall remain in full force and effect.

SECTION 14: That this Ordinance shall, by authority of the Village Board of the Village of Hanover Park, be published in pamphlet form. From and after ten days after said publication, this Ordinance shall be in full force and effect.

ADOPTED this 3rd day of August 2023, pursuant to a roll call vote as follows:

AYES:	Porter, Kunkel, Bankole, Prigge, Hussaini, Gutierrez
NAYS:	None
ABSENT:	None
ABSTENTION:	None

Approved: _____
Rodney S. Craig
Village President

ATTESTED, filed in my office, and
published in pamphlet form this 4th
day of August 2023.

Kristy Merrill, Village Clerk