

Village of Gilberts

Village Hall
87 Galligan Road, Gilberts, IL 60136
Ph. 847-428-2861 Fax: 847-428-2955
www.villageofgilberts.com

Village Administrator Memorandum 32-12

TO: President Rick Zirk
Board of Trustees

FROM: Ray Keller, Village Administrator

DATE: May 31, 2012

RE: Village Board Meeting – June 5, 2012

The following summary discusses the agenda items for the Village Board meeting scheduled for June 5, 2012:

- 1. CALL TO ORDER**
- 2. ROLL CALL / ESTABLISH QUORUM**
- 3. PUBLIC COMMENT**
- 4. CONSENT AGENDA**

Any item may be removed from the consent agenda by request.

A. Minutes from the May 15, 2012 Village Board Meeting

Staff recommend approval of the minutes from the Village Board meeting on May 15, which are provided for the Board's review. Please contact me prior to the meeting if there are any changes or corrections.

B. Bills and Salaries dated June 5, 2012

Please refer to the enclosed spreadsheet, which lists the bills to be approved. If you need additional information about any of these bills, please contact me or Finance Director Marlene Blocker prior to the meeting. Staff recommend approval.

5. ITEMS FOR APPROVAL

- A. Ordinance 10-2012, an Ordinance Adopting the Prevailing Wage Rates to be Paid to Laborers, Mechanics and other Workers Performing Construction of Public Works in the Village of Gilberts, Kane County, Illinois**

Public Works Facility
Finance & Building Departments
73 Industrial Drive, Gilberts, IL 60136
Ph. 847-428-4167 Fax: 847-551-3382

Police Department
86 Railroad St., Gilberts, IL 60136
Ph. 847-428-2954 Fax 847-428-4232

State statute requires the annual adoption of an updated prevailing wage schedule, as determined by the Department of Labor. Prevailing wages apply to all workers engaged in “the construction of public works,” which is broadly defined to include most Village projects involving outside firms. Staff recommend approval.

B. Ordinance 11-2012, an Ordinance amending the Village Code Concerning Part Time Police Officers

Staff recommend approval of this ordinance amending the Village Code to establish updated criteria for employing part-time police officers. The Illinois Law Enforcement Training and Standards Board advised that the Village Code did not satisfy the state’s requirements for specifying criteria for part-time officers. The proposed ordinance relies on standard language that was provided by the ILETSB and reviewed by the Village Attorney. The ordinance, if approved, would replace the current Village Code section with the provided language. Please contact me or Chief Steve Williams with any questions about the proposed ordinance or ILETSB requirements.

C. Resolution 15-2012, a Resolution approving and authorizing an agreement with Water Services, Inc. to replace residential water meters

Staff recommend approval of this resolution authorizing an agreement with Water Services Inc. to replace water meters on the Village’s behalf. Staff previously reported that some older water meters are approaching the end of their useful life. In response to Staff’s solicitation for proposals, Water Services Inc. provided the lowest cost option at \$85 per meter. Water Services would handle all aspects of the meter replacement program, including notifications, scheduling, installation and documentation provided back to the Village. Their proposal includes \$1.0 million liability insurance coverage, to which the Village would be named an additional insured party. The original proposal was modified to identify only per-unit costs, removing any reference to specific numbers of meters to be replaced.

Staff planned on replacing 202 meters in Dunhill and Indian Trails to start the replacement program. The resulting \$17,170 cost total was included in the FY 2013 water/wastewater budget. Staff anticipate replacing approximately 200 meters annually in future fiscal years as an ongoing maintenance program.

D. Resolution 16-2012, a Resolution authorizing the Purchase Agreement between the Village of Gilberts and McCann for one Loader Backhoe

Approval of this resolution would authorize the purchase of a new 2012 Case loader-backhoe from McCann Industries for use by the Public Works Department. Until recently, the Village leased a loader-backhoe, which is used for a wide range of activities including ditch digging and loading road salt. However, the incumbent leasing company was no longer interested in working with the Village, so Staff solicited lease-to-own proposals from area companies. Staff received three proposals, which would have allowed the Village to purchase a loader-backhoe for \$1 after leasing for five years. McCann Industries proposed a Case loader-backhoe that could be leased at \$19,321 per year for five years; the equipment met the Village’s specifications, including local servicing and readily available parts.

Staff found that the Village could save approximately \$2,200 by purchasing the loader-backhoe at the purchase price of \$88,857 instead of leasing it. Interest rates built into the lease terms were 4.25-4.53%, depending on the proposal. The Village could make an initial \$17,582 payment using FY 2013 funds and financing the \$71,000 balance over the next four years (3.25% rate from Union National Bank, see item 5E). The FY 2013 Public Works budget included the first year lease payment, which would also be sufficient to cover the \$17,582 down payment. The purchase price includes a five-year warranty that matches the service coverage offered through the leasing option.

Staff recommend approval of the resolution. Please contact me or Public Works Coordinator John Swedberg with any questions about the equipment specs or proposal details.

E. Resolution 17-2012, a Resolution authorizing borrowing from Union National Bank

Staff recommend approval of the resolution authorizing the Village to borrow \$71,000 to partially finance the purchase of the loader-backhoe (see item 5D). Union National Bank offered the lowest available fixed rate of 3.25% over five years, which was lower than the interest rates incorporated into the leasing options considered. If approved, the four annual payments of \$19,237 would begin in FY 2014 and conclude in FY 2018. Please contact me or Finance Director Marlene Blocker with any questions about the details of the loan arrangement.

F. Resolution 18-2012, a Resolution memorializing the intent of the Board of Trustees to reduce the number of authorized supervisory positions within the Village of Gilberts Police Department

In response to the Board's direction, Staff prepared a resolution articulating the Board's intention to reduce the number of supervisory positions in the Police Department should a vacancy occur. Presently, the Chief of Police, a Lieutenant and two Sergeants supervise four full-time officers and nine part-time officers. The resolution states that should either the Lieutenant or one of the Sergeant positions leave the Village, the Village intends to abolish the vacant position, leaving two supervisory positions (either 2 Sergeants or 1 sergeant and 1 Lieutenant) under the Chief. The resolution would remain in effect until such time that the Village Board wishes to reevaluate the structure of its Police Department.

6. ITEMS FOR DISCUSSION

A. CERT Updates

Representatives from the CERT program will provide an overview and an update on recent activities.

7. STAFF REPORTS

A. Road Program Updates

Village Engineers from Baxter & Woodman will return to present an updated status report on the road program.

8. BOARD OF TRUSTEES REPORTS

9. PRESIDENT'S REPORT

10. EXECUTIVE SESSION

Staff request an executive session to review and discuss minutes from previous executive sessions. Staff will request the Board's direction on identifying minutes for approval and/or release. Village Attorney Julie Tappendorf will be present to answer any questions.

11. ADJOURNMENT

**Village Board of Trustees
Meeting Agenda
Village of Gilberts
87 GALLIGAN ROAD,
GILBERTS, ILLINOIS 60136
June 5, 2012
7:00 P.M.**

A G E N D A

ORDER OF BUSINESS

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL/ESTABLISH QUORUM**
- 3. PUBLIC COMMENT**
- 4. CONSENT AGENDA**
 - A. Minutes from the May 15, 2012 Village Board Meeting
 - B. Bills and Salaries dated June 5, 2012
- 5. ITEMS FOR APPROVAL**
 - A. Ordinance 10-2012, an Ordinance Adopting the Prevailing Wage Rates to be Paid to Laborers, Mechanics and other Workers Performing Construction of Public Works in the Village of Gilberts, Kane County, Illinois
 - B. Motion to approve Ordinance 11-2012, an Ordinance amending the Village Code Concerning Part Time Police Officers
 - C. Resolution 15-2012, a Resolution approving and authorizing an agreement with Water Services, Inc. to replace residential water meters
 - D. Resolution 16-2012, a Resolution authorizing the Purchase Agreement between the Village of Gilberts and McCann for one Loader Backhoe
 - E. Resolution 17-2012, a Resolution authorizing borrowing from Union National Bank
 - F. Resolution 18-2012, a Resolution approving memorializing the intent of the Board of Trustees to reduce the number of authorized supervisory positions within the Village of Gilberts Police Department
- 6. ITEMS FOR DISCUSSION**
 - A. CERT Updates
- 7. STAFF REPORTS**
 - A. Road Program Updates
- 8. BOARD OF TRUSTEES REPORTS**
- 9. PRESIDENT'S REPORT**
- 10. EXECUTIVE SESSION**

A portion of the meeting will be closed to the Public, effective immediately as Permitted by 5 ILCS 120/2 (c) (1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village, and as permitted by 5 ILCS 102/2 (c) (11) to discuss litigation against, affecting, or on behalf of the Village which has been filed and is pending in a court or administrative tribunal of which is imminent and as permitted by 5 ILCS 120/2 (c) (21) to review and approve closed session minutes and as permitted by 5 ILCS 120/2 (c) 2 Collective negotiating matters.
- 11. ADJOURNMENT**

AUDIENCE PARTICIPATION

Anyone indicating a desire to speak during Public Comments will be acknowledged by the Village President. Please state your name, address and topic when called upon to speak. All remarks are to be addressed to the Village President and Board of Trustees as a whole, not to any specific person(s). Interrogation of the Village Staff, Village President, Village Board or any of their comments will not be allowed at this time. Personal invectives against Village Staff or Elected Officials are not permitted.

To ensure that everyone who wishes to speak has the opportunity to do so, please limit your comments to five minutes. Additional time may be granted at the discretion of the Village President.

If you have written comments, please provide a copy to the Village President. If there are a number of individuals present to speak on the same topic, please designate a spokesperson that can summarize the issue.

During Public Comments, the Village President, Trustees and Staff will listen to comments and will not engage in discussion. The Village President or Trustees may ask questions to better understand your concern, suggestion or request. Please direct any personnel concerns to the Village Administrator before or after the meeting.

"The Village of Gilberts complies with the Americans with Disabilities Act (ADA). For accessibility assistance, please contact the Village Clerk at the Village Hall, telephone number 874/428-2861." *Assistive services will be provided upon request.*

4A

**Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Village Board of Trustees
Meeting Minutes
May 15, 2012**

Call to Order/ Pledge of Allegiance

President Zirk called the meeting to order at 7:02 p.m. He proceeded to lead those present in the Pledge of Allegiance.

Roll call/Establish Quorum

Village Clerk Meadows called the roll. Roll call: Members present: Trustees Corbett, Clark, Mierisch, Zambetti, Farrell, Hacker and President Zirk. Others present: Administrator Keller, Finance Director Blocker, Police Chief Williams, Assistant to the Village Administrator Beith, Engineer Blecke, Engineer Dachsteiner, and Village Clerk Meadows. For members of the audience please see the attached list.

Recognition

- A. Recognition of Bill Linden for his public service as Chairman of the Zoning Board of Appeals and Zoning Board of Appeals Member
- B. Recognition of Sharon Glasshof for her public service as a Zoning Board of Appeals Member
- C. Recognition of Cathy Hemmings for her public service as a Zoning Board of Appeals Member
- D. Recognition of Jay Tebell for his public service as a Zoning Board of Appeals Member
- E. Recognition of Donald Glaze for his public service as a Zoning Board of Appeals Member
- F. Recognition of Richard Carlsen for his public service as a Zoning Board of Appeals Member
- G. Recognition of Beulah Swanson for his public service as a Zoning Board of Appeals Member
- H. Recognition of Patrick Fatigato for his public service as a Plan Commission Member

President Zirk recognized the above referenced Zoning Board of Appeals Members for their dedicated years of public service to the Village. He proceeded to present those present with plaques memorializing their service years.

Appointments

- I. A Motion to ratify the following appointments by the Village President:
 - 1. Reappointment of Doug Hagen as Chairman of the Plan Commission
 - 2. Reappointment of Susan Davidowski as Vice Chairman of the Plan Commission
 - 3. Reappointment of Kevin McHone to the Plan Commission
 - 4. Appointment of David LeClerc as a member of the Plan Commission
 - 5. Appointment of Doug Hagen as Chairman of the Zoning Board of Appeals
 - 6. Appointment of Susan Davidowski to the Zoning Board of Appeals
 - 7. Appointment of Matt Sullivan to the Zoning Board of Appeals
 - 8. Appointment of Kristian Zoerhoff to the Zoning Board of Appeals
 - 9. Appointment of Valerie Del Vecchio to the Zoning Board of Appeals
 - 10. Appointment of Randy Mills to the Zoning Board of Appeals
 - 11. Appointment of Robert Borgardt to the Zoning Board of Appeals

A motion was made by Trustee Clark and seconded by Trustee Zambetti to ratify Village President's appointments 1-11 as presented. Roll call: Vote: 6-ayes: Trustees Corbett, Clark, Mierisch, Zambetti, Farrell, and Hacker. 0-nays, 0-abstained. Motion carried.

Public Comment

President Zirk suggested members of the audience wishing to discuss concerns with the Road Program and or drainage concerns may want to hold their comments until the engineers had an opportunity to report on their progress.

Consent Agenda

- A. A Motion to approve Minutes from the May 1, 2012 Village Board Meeting
- B. A Motion to approve Minutes from the May 8, 2012 Committee of the Whole Meeting
- C. A Motion to approve the April 2012 Treasurer's Report
- D. A Motion to approve Bills and Salaries dated May 15, 2012 as follows: General Fund \$241,329.88, Developer Donations \$3,000.00, Permit Pass Thrus \$935.00, Performance Bonds and Escrows \$1,229.28, Water Fund \$22,015.24 and Payroll \$50,854.78.

President Zirk removed items 6c from the Consent Agenda for further discussion.

A Motion was made by Trustee Clark and seconded by Trustee Zambetti to approve the Consent Agenda excluding items 6 C. Roll call: Vote: 6-ayes: Trustees Clark, Mierisch, Zambetti, Farrell, Hacker and Corbett. 0-nays, 0-abstained. Motion carried.

6C A Motion to approve the April 2012 Treasurer's Report

President Zirk apologized that he had inadvertently called out the incorrect consent agenda item. He will discuss his concerns with item 6 D during reports.

A motion was made by Trustee Clark and seconded by Trustee Zambetti to approve consent agenda 6C as presented. Roll call: Vote: 6-ayes: Trustees Mierisch, Zambetti, Farrell, Hacker, Corbett and Clark. 0-nays, 0-abstained. Motion carried.

Items for Approval

A motion to approve Resolution 13-2012, a Resolution authorizing an agreement between the Village of Gilberts and AID to provide transit service to residents with disabilities in the amount not to exceed \$500.00.

Administrator Keller reported that approval of the resolution would continue the Village's support of coordinated paratransit services for seniors, individuals with disabilities and income eligible individuals traveling to work, doctor visits, or work training sites.

The agreement commits to up to \$500.00 as local matching funds for rides given to Village residents. Last year, the Village's \$500.00 supported 47 trips through this program.

A motion was made by Trustee Corbett and seconded by Trustee Clark to approve Resolution 13-2012, a Resolution authorizing an agreement between the Village of Gilberts and AID to provide transit service to residents with disabilities in the amount not to exceed \$500.00. Roll call: Vote: 6-ayes: Trustees Zambetti, Farrell, Hacker, Corbett, Clark and Mierisch. 0-nays, 0-abstained. Motion carried.

A motion to approve Resolution 14-2012, a Resolution authorizing the purchase agreement between the Village of Gilberts and the Official State of Illinois Joint Purchase Contract awarded to Bob Ridings Fleet Sales Program, Taylorville, Illinois for one 2012 Ford Expedition Squad Car in the amount not to exceed \$27,594.00.

Trustee Hacket questioned if it was cost effective to pass on G11 to the Public Works Department considering the mileage. Chief Williams replied that G11 would fit Public Works needs due to the fact that their driving habits and vehicle usage differs from the police officers. Administrator Keller commented on the fact that when public works utilizes G11 in place of one of their truck it saves on fuel cost.

Trustee Mierisch asked if there would be additional cost to equip the 2012 Ford Expedition. Chief Williams replied that the equipment from G11 would be installed in the new vehicle. The only additional cost would be a purchase of a cabinet to hold additional equipment. However, this would be purchased with Enhanced DUI Funds and would have no impact on the budget.

A motion was made by Trustee Clark and seconded by Trustee Zambetti to approve Resolution 14-2012, a Resolution authorizing the purchase agreement between the Village of Gilberts and the Official State of Illinois Joint Purchase Contract awarded to Bob Ridings Fleet Sales Program Taylorville, Illinois for one 2012 Ford Expedition Squad Car in the amount not to exceed \$27,594.00. Roll call: Vote: 6-ayes: Trustees Farrell, Hacker, Corbett, Clark, Mierisch, and Zambetti. 0-nays, 0-abstained. Motion carried.

Staff Reports

Road Program-Updates

Engineer Blecke commented on the fact that he was pleased to see more residents in attendance. Engineer Blecke went on to report that he along with staff had met to discuss the revised comprehensive list.

Engineer Blecke along with Engineer Dachsteiner discussed the draft action plan. He reported that Baxter & Woodman along with staff is working on compiling the residents contact information, the scope of work and solution options. Baxter & Woodman will contact all the residents on the list to set-up private meetings to discuss solution options.

Baxter & Woodman will contact all of the residents by the end of next week and set-up appointments for site visits. After conclusion of those meetings Baxter & Woodman will create a punch list for Peter Baker. In addition, they will draft a list of field and drainage work issues.

A lengthy discussion ensued with respect to drainage concerns. Engineer Dachsteiner noted that it is apparent that some of the drainage concerns are whole drainage system issues and would need to be addressed as such. He stated that Kathleen and Pierce Streets are prime examples of a malfunction with a whole neighborhood drainage system.

President Zirk reiterated Baxter & Woodman's proposed action plan. He questioned the procedure that would be used in the event there was a discrepancy with the engineer's recommendation and the resident's opinion on their recommendation. President Zirk recommended that these types of situations be brought back to the Board for review.

Engineer Dachsteiner discussed the reconstruction program's timeline. He estimated the reconstruction process to last three to four weeks. Trustee Clark commented on the fact that some resident like himself may correct their own ditch concerns. The Board Members discussed a recently passed Ordinance which defines residents' Right-of-Way responsibilities. Administrator Keller replied that any resident who makes changes to the drainage ditch might be in violation of the Stormwater Ordinance.

Staff will continue to update the list and began contacting the residents.

President's Report

President Zirk commented on a concern with respect to parking recreational vehicles on Village streets. He directed staff to draft an Ordinance limiting the time that recreational vehicles could be parked on Village streets. However, the Ordinance should provide for reasonable accommodations in which to allow for the loading and unloading of the vehicles.

Trustee Zambetti expressed his frustration with a recent CERT Members trailer purchase. Many questions arose with the recent purchase of the trailer.

Village Board
Meeting Minutes
May 15, 2012
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A lengthy discussion ensued with respect to liability issues. Administrator Keller reported that Finance Director Blocker had spoken with the Village's insurance agent and they had informed the Village that volunteers are not covered under the Village's policy. Administrator Keller reported that he has invited David Alice (CERT Member) to attend a Board Meeting in June to discuss the roles and responsibilities of CERT's and the Citizens Corp Council.

Adjournment

There being no further business to discuss, a motion was made by Trustee Clark and seconded by Trustee Zambetti to adjourn from the public meeting at 8:37p.m. Roll call: Vote: 6-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

4B

	VENDOR	TOTAL	GENERAL FUND	DEVELOPER DONATIONS	PERMIT PASS THRU	PERFORMANCE BONDS AND ESCROWS	WATER FUND	PAYROLL
	GRAND TOTAL	240,318.23	49,079.48	-	1,800.00	2,634.81	61,883.71	124,920.23
	BILLS ADDED AFTER PACKETS PAYROLL - 05/20/12 - 06/02/12	56,783.88						56,783.88
ACE002	ACE COFFEE BAR	27.50	27.50					
AFAID001	ASSOC. FOR INDIVIDUAL DEVELOPMENT	5.82	5.82					
ALEXCHEM	ALEXANDER CHEMICAL CORP	6,097.86					6,097.86	
AZAVAR01	AZAVAR AUDIT SOLUTIONS	275.69	275.69					
B&W002	B&W CONTROL SYSTEMS	22,928.24					22,928.24	
BATT001	BATTERIES PLUS	129.95	129.95					
BENCHMARK	BENCHMARK SALES	1,500.00					1,500.00	
CLGRAPH	CL GRAPHICS	869.62	869.62					
COM003	COMMONWEALTH EDISON	25.81	25.81					
CON003	T.J. CONEVEA'S INC	845.00	845.00					
EMBCOF	EMBASSY COFFEE SERVICE	38.77	38.77					
EPC001	ELGIN PAPER COMPANY	27.01	27.01					
EXELON	EXELON ENERGY	22,102.56					22,102.56	
EXXON01	WRIGHT EXPRESS	3,832.94	3,832.94					
FOXWEB	FOX VALLEY WEBWORKS	149.85	149.85					
MANALY01	MCHENRY ANALYTICAL WATER	555.00					555.00	
MEN002	MENARDS CARPENTERSVILLE	6.72	6.72					
NEBS01	DELUXE FOR BUSINESS	389.04	389.04					
PADDOCK	PADDOCK PUBLICATIONS	1,244.00	1,244.00					
PMI001	PROGRESSIVE MICROTECHNOLOGY	495.00	495.00					
RAO001	RAY O'HERRONS	111.85	111.85					
R&JCONST	R. J. CONSTRUCTION SUPPLY	2,200.00	2,200.00					
SAUBER01	SAUBER MANUFACTURING	248.25	248.25					
SCUFF01	RICHARD SPINKER	630.00	630.00					
SPRING01	SPRING HILL FORD	56.14					56.14	
STOKES01	JANET STOKES	9.99	9.99					
SUBLAB01	SUBURBAN LABORATORIES	370.00					370.00	
TW001	TWIN ARTS PRINTING	294.91	294.91					
WHITECAP	WHITE CAP CONSTRUCTION	74.99	74.99					
	PAYROLL - 05/06/12 - 05/19/12	68,136.35						68,136.35
AMERENG	AMERICAN ENGLISH	2,175.00	2,175.00					
AT&TUV01	AT&T U-VERSE	75.00	75.00					
B&W001	BAXTER & WOODMAN, INC.	10,394.49	2,750.00		1,800.00	2,634.81	3,209.68	
BATT001	BATTERIES PLUS	96.50	96.50					
BPC001	BENEFIT PLANNING CONSULTANTS,	100.00	100.00					
BLUEDOT	BLUEDOT SIGN CO	1,800.00	1,800.00					
CALLONE	CALL ONE	991.20	764.84				226.36	
CAN01	CANON FINANCIAL SERVICES, INC.	800.00	690.00				110.00	
COM003	COMMONWEALTH EDISON	334.51	334.51					
EXELON	EXELON ENERGY INC.	174.47	174.47					

	VENDOR	TOTAL	GENERAL FUND	DEVELOPER DONATIONS	PERMIT PASS THRU	PERFORMANCE BONDS AND ESCROWS	WATER FUND	PAYROLL
EXXON01	WRIGHT EXPRESS FSC	1,711.47	1,286.88				424.59	
GAL001	GALL'S INC.	282.94	282.94					
GPPE01	GILBERTS POLICE PENSION FUND	11,556.95	11,556.95					
GRAINGER	GRAINGER	4.14					4.14	
MANALY01	MCHENRY ANALYTICAL WATER	1,309.00					1,309.00	
MEN002	MENARDS - CARPENTERSVILLE	601.74	538.09				63.65	
MINIZOO	THE MINI ZOO	125.00	125.00					
NEX001	NEXUS OFFICE SYSTEMS, INC.	82.60	82.60					
NEXT01	NEXTEL COMMUNICATIONS	695.27	485.71					
NWLIGHT	NORTHWESTERN LIGHTING	1,126.68	1,126.68				229.56	
NWPOLICE	NORTHWEST POLICE ACADEMY	75.00	75.00					
RAO001	RAY O'HERRONS	719.45	719.45					
SES001	SMITH ECOLOGICAL SYSTEMS	113.50					113.50	
SHERWIN	SHERWIN INDUSTRIES, INC.	5,023.00	5,023.00					
STAPLES	STAPLES ADVANTAGE	329.07	240.25				88.82	
STARLINE	STARLINE AUDIO	700.00	700.00					
STCHAS01	ST. CHARLES POLICE DEPT	400.00	400.00					
SUBLAB01	SUBURBAN LABORATORIES	830.00					830.00	
T0001415	COMMUNITY UNITED METHODIST	600.00	600.00					
TESSEN	TESSENDORF MECHANICAL	539.90	539.90					
THIRD01	THIRD MILLENNIUM ASSOCIATES	591.48					591.48	
UNION01	UNION NATIONAL BANK OF ELGIN	3,510.54	3,510.54					
USABLUE	USA BLUEBOOK	185.65					185.65	
VERIZ01	VERIZON WIRELESS	385.46	385.46					
WCOM01	COMMONWEALTH EDISON-WATER	887.48					887.48	
WRONA01	WRONA BROS., INC.	528.00	528.00					

Village of Gilberts	
Check Warrant Report	
Payroll Checks From 05-06/12 / 05/19/12	
Employee Name:	Net Pay
Blocker, Marlene	1,659.93
Meadows, Debra	1,490.16
Sorenson, Shirley	1,247.09
Danca, Karen	352.80
Beith, William	438.72
Keller, Raymond B.	2,386.19
Joswick, Michael	2,059.01
Rood, Jackie E. Jr	2,108.34
Block, Todd J	2,064.09
Pulgar, Hector L	1,858.55
Oberth, Michael	1,652.73
Thomas, Randall	125.44
Joswick, Christopher	195.69
Mueller, Steve	359.41
Izydorski, Michael	1,051.87
Hill, Jeff R	1,223.07
Levand, James A	1,050.11
Williams, Steven	2,510.08
Meador, Eric E.	1,472.52
Hernandez, Jason	595.68
Steiner, George	200.18
Schuring, Larry	786.48
Klaras, Jason	1,111.38
Bethke, Daniel	430.50
Sheppard, Paul	1,234.68
Foley, Aaron	1,155.32
Stokes, Janet	971.27
Swedberg, John L	2,105.38
Castillo, John	1,770.21
Varas, Randy	1,493.94
Siegbahn, Lisa	683.24
Zirk, Rick	321.66
Hacker, Louis	178.37
Corbett, Dan	223.37
Clark, Everett	113.22
Mierisch, Patricia	231.70
Zambetti, Guy	160.83
Farrell, Nancy	160.83
Davidowski, Susan	22.34
Hagen, Douglas	23.59
Del Vecchio, Valerie	23.59
McHone, Kevin	22.34
Mills, Randy	23.59
Zoerhof, Kristian	23.59
Sullivan, Matthew	22.34
Payroll Liabilities:	
Federal Tax Deposits	13,069.15
Gilberts Police Benevolent	70.00
Gilberts Police Pension Fund	3,467.68
Illinois Department of Revenue	2,542.81
State Disbursement Unit-Cook	186.57
KCC State Disbursement Unit	116.01
State Disbursement Unit	323.00
ICMA-RC	337.47

Village of Gilberts	
Check Warrant Report	
Payroll Checks From 05-06/12 / 05/19/12	
Employee Name:	Net Pay
IMRF	8,333.96
MAP	186.00
Central United Life Insurance	108.28
Total All Checks	68,136.35

A	
Check Warrant Report	
Payroll Checks From 05/20/12 - 06/02/12	
Employee Name	Net Pay
Blocker, Marlene	1,526.21
Meadows, Debra	1,327.78
Sorenson, Shirley	1,094.83
Danca, Karen	305.19
Beith, William	628.89
Keller, Raymond B.	2,321.18
Joswick, Michael	1,982.42
Thomas, Randall	120.44
Joswick, Christopher	190.69
Rood, Jackie E. Jr	2,127.13
Block, Todd J	2,354.56
Pulgar, Hector L	2,734.78
Oberth, Michael	2,018.53
Hill, Jeff R	1,490.92
Levand, James A	1,193.62
Williams, Steven	2,309.91
Stokes, Janet	983.78
Swedberg, John L	1,991.44
Castillo, John	1,619.66
Varas, Randy	1,121.92
Siegbahn, Lisa	658.78
Mueller, Steve G.	499.63
Maculitis, Jerome	120.12
Izydorski, Michael	1,357.27
Meador, Eric E.	1,661.10
Hernandez, Jason	590.68
Lorkowski, Michael	345.31
Klaras, Jason	941.43
Sheppard, Paul	1,183.32
Foley, Aaron	1,288.34
Schuring, Larry	762.04
Bethke, Daniel	486.04
PAYROLL LIABILITIES:	
Federal Tax Deposits	13,410.75
ICMA-RC	337.47
ICMA-RA	500.00
Illinois Department of Revenue	2,572.14
State Disbursement Unit	323.00
State Disbursement Unit-Cook	186.57
KCC State Disbursement Unit	116.01
Total All Checks	56,783.88

5A

ORDINANCE

VILLAGE OF GILBERTS

**An Ordinance Adopting Prevailing Wage Rates to be
Paid to Laborers, Mechanics and other Workers Performing
Construction of Public Works in the Village of Gilberts, Kane County, Illinois**

WHEREAS, The State of Illinois has enacted the Prevailing Wage Act, approved June 26, 1941, as amended, being 820 ILCS 130/0.01 through 130/12 (the "Act"); and

WHEREAS, the Act requires that during the month of June of each calendar year the Board of Trustees of the Village of Gilberts (the "Village") investigate and ascertain the prevailing rate of wages, as defined in said Act, in the "locality" of the Village for laborers, mechanics and other workers performing construction of public works for the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS, KANE COUNTY, ILLINOIS, AS follows:

Section 1: To the extend and as required by the Act, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in the construction of public works coming under the jurisdiction of the Village is hereby ascertained to be the same as the prevailing rate of wages for construction in Kane County as determined by the Department of Labor of the State of Illinois (the "Department") as of June 1, 2012, a copy of that determination being attached hereto and incorporated herein by reference. As required by said Act, any and all revisions of the prevailing rate of wages by the Department shall supersede the Department's June determination and apply to any and all public works construction undertaken by the Village. The definition of any terms appearing in this Ordinance which are used in the Act shall be the same as in the Act.

Section 2: Nothing herein contained is intended to apply nor shall be construed to apply said prevailing rate of wages as herein ascertained to any work or employment performed on behalf of this Village except public works construction to the extent required by the Act.

Section 3: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

Section 4: All Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: The Village Clerk shall publicly post or keep available for inspection by any interested part in the main office of this Village this determination of prevailing rate of

wages. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

Section 6: By July 15th, the Village Clerk shall file a certified copy of this Ordinance with the Secretary of the State of Illinois in Springfield and with the Department of Labor.

Section 7: Within thirty (30) days after filing a certified copy of this Ordinance with the Secretary of State, the Village Clerk shall cause to be published in a newspaper of general circulation within the area a notice that this determination is effective and constitutes the determination of this public body.

Section 8: The Village Clerk shall mail a copy of this Ordinance to any employer, and to any association of employers and to any person or association of employees who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

Section 9: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS _____ DAY OF JUNE _____, 2012

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Everett Clark	_____	_____	_____	_____
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Patricia Mierisch	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS _____ DAY OF _____, 2012:

Village President Rick Zirk

(SEAL)

ATTEST: _____

Village Clerk Debra Meadows

Published: _____

Kane County Prevailing Wage for June 2012

(See explanation of column headings at bottom of wages)

Trade Name	RG	TYP	C	Base	FRMAN	*M-F>8	OSA	OSH	H/W	Pensn	Vac	Trng
=====	==	==	=	=====	=====	=====	=====	=====	=====	=====	=====	=====
ASBESTOS ABT-GEN			ALL	35.200	35.700	1.5	1.5	2.0	12.18	8.820	0.000	0.450
ASBESTOS ABT-MEC			BLD	32.850	0.000	1.5	1.5	2.0	10.82	10.66	0.000	0.720
BOILERMAKER			BLD	43.450	47.360	2.0	2.0	2.0	6.970	14.66	0.000	0.350
BRICK MASON			BLD	39.780	43.760	1.5	1.5	2.0	9.300	11.17	0.000	0.730
CARPENTER			ALL	40.770	42.770	1.5	1.5	2.0	12.34	11.26	0.000	0.530
CEMENT MASON			ALL	41.550	43.550	2.0	1.5	2.0	9.250	12.51	0.000	0.250
CERAMIC TILE FNSHER			BLD	33.600	0.000	2.0	1.5	2.0	9.200	6.680	0.000	0.580
COMMUNICATION TECH	N		BLD	35.770	37.870	1.5	1.5	2.0	12.07	9.370	0.000	0.450
COMMUNICATION TECH	S		BLD	36.390	38.490	1.5	1.5	2.0	10.02	10.19	0.000	1.090
ELECTRIC PWR EQMT OP			ALL	35.400	48.110	1.5	1.5	2.0	5.000	10.97	0.000	0.270
ELECTRIC PWR GRNDMAN			ALL	27.380	48.110	1.5	1.5	2.0	5.000	8.490	0.000	0.210
ELECTRIC PWR LINEMAN			ALL	42.390	48.110	1.5	1.5	2.0	5.000	13.14	0.000	0.320
ELECTRIC PWR TRK DRV			ALL	28.350	48.110	1.5	1.5	2.0	5.000	8.790	0.000	0.220
ELECTRICIAN	N		ALL	43.080	47.380	1.5	1.5	2.0	12.06	11.41	0.000	0.540
ELECTRICIAN	S		BLD	43.560	47.920	1.5	1.5	2.0	10.02	12.20	0.000	1.310
ELEVATOR CONSTRUCTOR			BLD	48.560	54.630	2.0	2.0	2.0	11.03	11.96	2.910	0.000
FENCE ERECTOR			ALL	44.950	47.200	2.0	2.0	2.0	8.890	17.69	0.000	0.400
GLAZIER			BLD	38.500	40.000	1.5	2.0	2.0	11.49	14.64	0.000	0.840
HT/FROST INSULATOR			BLD	43.800	46.300	1.5	1.5	2.0	10.82	11.86	0.000	0.720
IRON WORKER			ALL	44.950	47.200	2.0	2.0	2.0	8.890	17.69	0.000	0.400
LABORER			ALL	35.200	35.950	1.5	1.5	2.0	11.97	9.030	0.000	0.450
LATHER			ALL	40.770	42.770	1.5	1.5	2.0	12.34	11.26	0.000	0.530
MACHINIST			BLD	43.160	45.160	1.5	1.5	2.0	7.980	8.950	0.000	0.000
MARBLE FINISHERS			ALL	29.100	0.000	1.5	1.5	2.0	9.300	11.17	0.000	0.660
MARBLE MASON			BLD	39.030	42.930	1.5	1.5	2.0	9.300	11.17	0.000	0.730
MATERIAL TESTER I			ALL	25.200	0.000	1.5	1.5	2.0	11.97	9.030	0.000	0.450
MATERIALS TESTER II			ALL	30.200	0.000	1.5	1.5	2.0	11.97	9.030	0.000	0.450
MILLWRIGHT			ALL	40.770	42.770	1.5	1.5	2.0	12.34	11.26	0.000	0.530
OPERATING ENGINEER			BLD 1	45.100	49.100	2.0	2.0	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER			BLD 2	43.800	49.100	2.0	2.0	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER			BLD 3	41.250	49.100	2.0	2.0	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER			BLD 4	39.500	49.100	2.0	2.0	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER			BLD 5	48.850	49.100	2.0	2.0	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER			BLD 6	46.100	49.100	2.0	2.0	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER			BLD 7	48.100	49.100	2.0	2.0	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER			HWY 1	43.300	47.300	1.5	1.5	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER			HWY 2	42.750	47.300	1.5	1.5	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER			HWY 3	40.700	47.300	1.5	1.5	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER			HWY 4	39.300	47.300	1.5	1.5	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER			HWY 5	38.100	47.300	1.5	1.5	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER			HWY 6	46.300	47.300	1.5	1.5	2.0	14.40	9.550	1.900	1.250
OPERATING ENGINEER			HWY 7	44.300	47.300	1.5	1.5	2.0	14.40	9.550	1.900	1.250
ORNAMNTL IRON WORKER			ALL	44.950	47.200	2.0	2.0	2.0	8.890	17.69	0.000	0.400
PAINTER			ALL	40.180	42.180	1.5	1.5	1.5	8.950	8.200	0.000	1.250
PAINTER SIGNS			BLD	33.920	38.090	1.5	1.5	1.5	2.600	2.710	0.000	0.000
PILEDRIIVER			ALL	40.770	42.770	1.5	1.5	2.0	12.34	11.26	0.000	0.530
PIPEFITTER			BLD	41.000	43.000	1.5	1.5	2.0	10.75	14.59	0.000	1.660
PLASTERER			BLD	39.250	41.610	1.5	1.5	2.0	10.60	10.69	0.000	0.550
PLUMBER			BLD	41.000	43.000	1.5	1.5	2.0	10.75	14.59	0.000	1.660
ROOFER			BLD	37.650	40.650	1.5	1.5	2.0	8.380	6.820	0.000	0.430
SHEETMETAL WORKER			BLD	41.660	43.660	1.5	1.5	2.0	9.540	11.57	0.000	0.780
SIGN HANGER			BLD	26.070	27.570	1.5	1.5	2.0	3.800	3.550	0.000	0.000

SPRINKLER FITTER	BLD	49.200	51.200	1.5	1.5	2.0	9.750	8.200	0.000	0.450
STEEL ERECTOR	ALL	44.950	47.200	2.0	2.0	2.0	8.890	17.69	0.000	0.400
STONE MASON	BLD	39.780	43.760	1.5	1.5	2.0	9.300	11.17	0.000	0.730
TERRAZZO FINISHER	BLD	35.150	0.000	1.5	1.5	2.0	9.200	9.070	0.000	0.430
TERRAZZO MASON	BLD	39.010	42.010	1.5	1.5	2.0	9.200	10.41	0.000	0.510
TILE MASON	BLD	40.490	44.490	2.0	1.5	2.0	9.200	8.390	0.000	0.640
TRAFFIC SAFETY WRKR	HWY	28.250	29.850	1.5	1.5	2.0	4.896	4.175	0.000	0.000
TRUCK DRIVER	ALL 1	32.550	33.100	1.5	1.5	2.0	6.500	4.350	0.000	0.150
TRUCK DRIVER	ALL 2	32.700	33.100	1.5	1.5	2.0	6.500	4.350	0.000	0.150
TRUCK DRIVER	ALL 3	32.900	33.100	1.5	1.5	2.0	6.500	4.350	0.000	0.150
TRUCK DRIVER	ALL 4	33.100	33.100	1.5	1.5	2.0	6.500	4.350	0.000	0.150
TUCKPOINTER	BLD	39.950	40.950	1.5	1.5	2.0	8.180	10.57	0.000	0.790

Legend:

RG (Region)
 TYP (Trade Type - All, Highway, Building, Floating, Oil & Chip, Rivers)
 C (Class)
 Base (Base Wage Rate)
 FRMAN (Foreman Rate)
 M-F>8 (OT required for any hour greater than 8 worked each day, Mon through Fri.
 OSA (Overtime (OT) is required for every hour worked on Saturday)
 OSH (Overtime is required for every hour worked on Sunday and Holidays)
 H/W (Health & Welfare Insurance)
 Pensn (Pension)
 Vac (Vacation)
 Trng (Training)

Explanations

KANE COUNTY

ELECTRICIANS AND COMMUNICATIONS TECHNICIAN (NORTH) - Townships of Burlington, Campton, Dundee, Elgin, Hampshire, Plato, Rutland, St. Charles (except the West half of Sec. 26, all of Secs. 27, 33, and 34, South half of Sec. 28, West half of Sec. 35), Virgil and Valley View CCC and Elgin Mental Health Center.

The following list is considered as those days for which holiday rates of wages for work performed apply: New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day in some classifications/counties. Generally, any of these holidays which fall on a Sunday is celebrated on the following Monday. This then makes work performed on that Monday payable at the appropriate overtime rate for holiday pay. Common practice in a given local may alter certain days of celebration. If in doubt, please check with IDOL.

EXPLANATION OF CLASSES

ASBESTOS - GENERAL - removal of asbestos material/mold and hazardous materials from any place in a building, including mechanical systems where those mechanical systems are to be removed. This includes the removal of asbestos materials/mold and hazardous materials from ductwork or pipes in a building when the building is to be demolished at the time or at some close future date.

ASBESTOS - MECHANICAL - removal of asbestos material from mechanical systems, such as pipes, ducts, and boilers, where the mechanical

systems are to remain.

CERAMIC TILE FINISHER

The grouting, cleaning, and polishing of all classes of tile, whether for interior or exterior purposes, all burned, glazed or unglazed products; all composition materials, granite tiles, warning detectable tiles, cement tiles, epoxy composite materials, pavers, glass, mosaics, fiberglass, and all substitute materials, for tile made in tile-like units; all mixtures in tile like form of cement, metals, and other materials that are for and intended for use as a finished floor surface, stair treads, promenade roofs, walks, walls, ceilings, swimming pools, and all other places where tile is to form a finished interior or exterior. The mixing of all setting mortars including but not limited to thin-set mortars, epoxies, wall mud, and any other sand and cement mixtures or adhesives when used in the preparation, installation, repair, or maintenance of tile and/or similar materials. The handling and unloading of all sand, cement, lime, tile, fixtures, equipment, adhesives, or any other materials to be used in the preparation, installation, repair, or maintenance of tile and/or similar materials. Ceramic Tile Finishers shall fill all joints and voids regardless of method on all tile work, particularly and especially after installation of said tile work. Application of any and all protective coverings to all types of tile installations including, but not be limited to, all soap compounds, paper products, tapes, and all polyethylene coverings, plywood, masonite, cardboard, and any new type of products that may be used to protect tile installations, Blastrac equipment, and all floor scarifying equipment used in preparing floors to receive tile. The clean up and removal of all waste and materials. All demolition of existing tile floors and walls to be re-tiled.

COMMUNICATIONS TECHNICIAN

Construction, installation, maintenance and removal of telecommunication facilities (voice, sound, data and video), telephone, security systems, fire alarm systems that are a component of a multiplex system and share a common cable, and data inside wire, interconnect, terminal equipment, central offices, PABX and equipment, micro waves, V-SAT, bypass, CATV, WAN (wide area network), LAN (local area networks), and ISDN (integrated system digital network), pulling of wire in raceways, but not the installation of raceways.

MARBLE FINISHER

Loading and unloading trucks, distribution of all materials (all stone, sand, etc.), stocking of floors with material, performing all rigging for heavy work, the handling of all material that may be needed for the installation of such materials, building of scaffolding, polishing if needed, patching, waxing of material if damaged, pointing up, caulking, grouting and cleaning of marble, holding water on diamond or Carborundum blade or saw for setters cutting, use of tub saw or any other saw needed for preparation of material, drilling of holes for wires that anchor material set by setters, mixing up of molding plaster for installation of material, mixing up thin set for the installation of material, mixing up of sand to cement for the installation of material and such other work as may be required in helping a Marble Setter in the handling of all

material in the erection or installation of interior marble, slate, travertine, art marble, serpentine, alberene stone, blue stone, granite and other stones (meaning as to stone any foreign or domestic materials as are specified and used in building interiors and exteriors and customarily known as stone in the trade), carrara, sanionyx, vitrolite and similar opaque glass and the laying of all marble tile, terrazzo tile, slate tile and precast tile, steps, risers treads, base, or any other materials that may be used as substitutes for any of the aforementioned materials and which are used on interior and exterior which are installed in a similar manner.

MATERIAL TESTER I: Hand coring and drilling for testing of materials; field inspection of uncured concrete and asphalt.

MATERIAL TESTER II: Field inspection of welds, structural steel, fireproofing, masonry, soil, facade, reinforcing steel, formwork, cured concrete, and concrete and asphalt batch plants; adjusting proportions of bituminous mixtures.

OPERATING ENGINEER - BUILDING

Class 1. Asphalt Plant; Asphalt Spreader; Autograde; Backhoes with Caisson Attachment; Batch Plant; Benoto (requires Two Engineers); Boiler and Throttle Valve; Caisson Rigs; Central Redi-Mix Plant; Combination Back Hoe Front End-loader Machine; Compressor and Throttle Valve; Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Conveyor (Truck Mounted); Concrete Paver Over 27E cu. ft; Concrete Paver 27E cu. ft. and Under; Concrete Placer; Concrete Placing Boom; Concrete Pump (Truck Mounted); Concrete Tower; Cranes, All; Cranes, Hammerhead; Cranes, (GCI and similar Type); Creter Crane; Crusher, Stone, etc.; Derricks, All; Derricks, Traveling; Formless Curb and Gutter Machine; Grader, Elevating; Grouting Machines; Highlift Shovels or Front Endloader 2-1/4 yd. and over; Hoists, Elevators, outside type rack and pinion and similar machines; Hoists, One, Two and Three Drum; Hoists, Two Tugger One Floor; Hydraulic Backhoes; Hydraulic Boom Trucks; Hydro Vac (and similar equipment); Locomotives, All; Motor Patrol; Lubrication Technician; Manipulators; Pile Drivers and Skid Rig; Post Hole Digger; Pre-Stress Machine; Pump Cretes Dual Ram; Pump Cretes: Squeeze Cretes-Screw Type Pumps; Gypsum Bulker and Pump; Raised and Blind Hole Drill; Roto Mill Grinder; Scoops - Tractor Drawn; Slip-Form Paver; Straddle Buggies; Tournapull; Tractor with Boom and Side Boom; Trenching Machines.

Class 2. Boilers; Broom, All Power Propelled; Bulldozers; Concrete Mixer (Two Bag and Over); Conveyor, Portable; Forklift Trucks; Highlift Shovels or Front Endloaders under 2-1/4 yd.; Hoists, Automatic; Hoists, Inside Elevators; Hoists, Sewer Dragging Machine; Hoists, Tugger Single Drum; Rock Drill (Self-Propelled); Rock Drill (Truck Mounted); Rollers, All; Steam Generators; Tractors, All; Tractor Drawn Vibratory Roller; Winch Trucks with "A" Frame.

Class 3. Air Compressor; Combination Small Equipment Operator; Generators; Heaters, Mechanical; Hoists, Inside Elevators; Hydraulic Power Units (Pile Driving, Extracting, and Drilling); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Low Boys; Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 Small Electric Drill Winches; Bobcats (up to and including 3/4 cu yd.) .

Class 4. Bobcats and/or other Skid Steer Loaders (other than bobcats

up to and including $\frac{3}{4}$ cu yd.); Oilers; and Brick Forklift.

Class 5. Assistant Craft Foreman.

Class 6. Gradall.

Class 7. Mechanics.

OPERATING ENGINEERS - HIGHWAY CONSTRUCTION

Class 1. Asphalt Plant; Asphalt Heater and Planer Combination; Asphalt Heater Scarfire; Asphalt Spreader; Autograder/GOMACO or other similar type machines; ABG Paver; Backhoes with Caisson Attachment; Ballast Regulator; Belt Loader; Caisson Rigs; Car Dumper; Central Redi-Mix Plant; Combination Backhoe Front Endloader Machine, (1 cu. yd. Backhoe Bucket or over or with attachments); Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Tower Cranes of all types; Creter Crane; Crusher, Stone, etc.; Derricks, All; Derrick Boats; Derricks, Traveling; Dowell Machine with Air Compressor; Dredges; Formless Curb and Gutter Machine; Grader, Elevating; Grader, Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader; Guard Rail Post Driver Truck Mounted; Hoists, One, Two and Three Drum; Hydraulic Backhoes; Backhoes with shear attachments; Lubrication Technician; Manipulators; Mucking Machine; Pile Drivers and Skid Rig; Pre-Stress Machine; Pump Cretes Dual Ram; Rock Drill - Crawler or Skid Rig; Rock Drill - Truck Mounted; Rock/Track Tamper; Roto Mill Grinder; Slip-Form Paver; Soil Test Drill Rig (Truck Mounted); Straddle Buggies; Hydraulic Telescoping Form (Tunnel); Tractor Drawn Belt Loader (with attached pusher - two engineers); Tractor with Boom; Tractaire with Attachments; Trenching Machine; Truck Mounted Concrete Pump with Boom; Raised or Blind Hole Drills (Tunnel Shaft); Underground Boring and/or Mining Machines 5 ft. in diameter and over tunnel, etc; Underground Boring and/or Mining Machines under 5 ft. in diameter; Wheel Excavator; Widener (APSCO).

Class 2. Batch Plant; Bituminous Mixer; Boiler and Throttle Valve; Bulldozers; Car Loader Trailing Conveyors; Combination Backhoe Front Endloader Machine (Less than 1 cu. yd. Backhoe Bucket or over or with attachments); Compressor and Throttle Valve; Compressor, Common Receiver (3); Concrete Breaker or Hydro Hammer; Concrete Grinding Machine; Concrete Mixer or Paver 7S Series to and including 27 cu. ft.; Concrete Spreader; Concrete Curing Machine, Burlap Machine, Belting Machine and Sealing Machine; Concrete Wheel Saw; Conveyor Muck Cars (Haglund or Similar Type); Drills, All; Finishing Machine - Concrete; Highlift Shovels or Front Endloader; Hoist - Sewer Dragging Machine; Hydraulic Boom Trucks (All Attachments); Hydro-Blaster; All Locomotives, Dinky; Off-Road Hauling Units (including articulating)/2 ton capacity or more; Non Self-Loading Ejection Dump; Pump Cretes; Squeeze Cretes - Screw Type Pumps, Gypsum Bulker and Pump; Roller, Asphalt; Rotary Snow Plows; Rototiller, Seaman, etc., self-propelled; Scoops - Tractor Drawn; Self-Propelled Compactor; Spreader - Chip - Stone, etc.; Scraper; Scraper - Prime Mover in Tandem (Regardless of Size); Tank Car Heater; Tractors, Push, Pulling Sheeps Foot, Disc, Compactor, etc.; Tug Boats.

Class 3. Boilers; Brooms, All Power Propelled; Cement Supply Tender;

Compressor, Common Receiver (2); Concrete Mixer (Two Bag and Over); Conveyor, Portable; Farm-Type Tractors Used for Mowing, Seeding, etc.; Fireman on Boilers; Forklift Trucks; Grouting Machine; Hoists, Automatic; Hoists, All Elevators; Hoists, Tugger Single Drum; Jeep Diggers; Low Boys; Pipe Jacking Machines; Post-Hole Digger; Power Saw, Concrete Power Driven; Pug Mills; Rollers, other than Asphalt; Seed and Straw Blower; Steam Generators; Stump Machine; Winch Trucks with "A" Frame; Work Boats; Tamper-Form-Motor Driven.

Class 4. Air Compressor; Combination - Small Equipment Operator; Directional Boring Machine; Generators; Heaters, Mechanical; Hydraulic Power Unit (Pile Driving, Extracting, or Drilling); Hydro- Blaster; Light Plants, All (1 through 5); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Tractaire; Welding Machines (2 through 5); Winches, 4 Small Electric Drill Winches.

Class 5. Bobcats (all); Brick Forklifts; Oilers.

Class 6. Field Mechanics and Field Welders

Class 7. Gradall and machines of like nature.

TRAFFIC SAFETY - work associated with barricades, horses and drums used to reduce lane usage on highway work, the installation and removal of temporary lane markings, and the installation and removal of temporary road signs.

TRUCK DRIVER - BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

Class 1. Two or three Axle Trucks. A-frame Truck when used for transportation purposes; Air Compressors and Welding Machines, including those pulled by cars, pick-up trucks and tractors; Ambulances; Batch Gate Lockers; Batch Hopperman; Car and Truck Washers; Carry-alls; Fork Lifts and Hoisters; Helpers; Mechanics Helpers and Greasers; Oil Distributors 2-man operation; Pavement Breakers; Pole Trailer, up to 40 feet; Power Mower Tractors; Self-propelled Chip Spreader; Skipman; Slurry Trucks, 2-man operation; Slurry Truck Conveyor Operation, 2 or 3 man; Teamsters; Unskilled Dumpman; and Truck Drivers hauling warning lights, barricades, and portable toilets on the job site.

Class 2. Four axle trucks; Dump Crets and Adgetors under 7 yards; Dumpsters, Track Trucks, Euclids, Hug Bottom Dump Turnapulls or Turnatrailers when pulling other than self-loading equipment or similar equipment under 16 cubic yards; Mixer Trucks under 7 yards; Ready-mix Plant Hopper Operator, and Winch Trucks, 2 Axles.

Class 3. Five axle trucks; Dump Crets and Adgetors 7 yards and over; Dumpsters, Track Trucks, Euclids, Hug Bottom Dump Turnatrailers or turnapulls when pulling other than self-loading equipment or similar equipment over 16 cubic yards; Explosives and/or Fission Material Trucks; Mixer Trucks 7 yards or over; Mobile Cranes while in transit; Oil Distributors, 1-man operation; Pole Trailer, over 40 feet; Pole and Expandable Trailers hauling material over 50 feet long; Slurry trucks, 1-man operation; Winch trucks, 3 axles or more; Mechanic--Truck Welder and Truck Painter.

Class 4. Six axle trucks; Dual-purpose vehicles, such as mounted

crane trucks with hoist and accessories; Foreman; Master Mechanic; Self-loading equipment like P.B. and trucks with scoops on the front.

TERRAZZO FINISHER

The handling of sand, cement, marble chips, and all other materials that may be used by the Mosaic Terrazzo Mechanic, and the mixing, grinding, grouting, cleaning and sealing of all Marble, Mosaic, and Terrazzo work, floors, base, stairs, and wainscoting by hand or machine, and in addition, assisting and aiding Marble, Masonic, and Terrazzo Mechanics.

Other Classifications of Work:

For definitions of classifications not otherwise set out, the Department generally has on file such definitions which are available. If a task to be performed is not subject to one of the classifications of pay set out, the Department will upon being contacted state which neighboring county has such a classification and provide such rate, such rate being deemed to exist by reference in this document. If no neighboring county rate applies to the task, the Department shall undertake a special determination, such special determination being then deemed to have existed under this determination. If a project requires these, or any classification not listed, please contact IDOL at 217-782-1710 for wage rates or clarifications.

LANDSCAPING

Landscaping work falls under the existing classifications for laborer, operating engineer and truck driver. The work performed by landscape plantsman and landscape laborer is covered by the existing classification of laborer. The work performed by landscape operators (regardless of equipment used or its size) is covered by the classifications of operating engineer. The work performed by landscape truck drivers (regardless of size of truck driven) is covered by the classifications of truck driver.

5B

ORDINANCE

VILLAGE OF GILBERTS

AN ORDINANCE AMENDING THE GILBERTS VILLAGE CODE
CONCERNING PART TIME POLICE OFFICERS

WHEREAS, pursuant to 65 ILCS 5/3.1-30-21, the Village is specifically obligated to list certain restriction and qualifications of Part Time Police Officers; and

THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS AS FOLLOWS:

Section 1. Recitals. The recitals set forth above are hereby incorporated into and made a part of this Ordinance as though set forth in this Section 1.

Section 2. Amendment. Title 5 Chapter 1 Section 3 of Gilberts Village Code is amended by **Deleting in its Entirety** and replacing it with a new Section 5-1-3 as follows:

5-1-3: PART TIME POLICE:

- A. Employment.** The Village of Gilberts may employ part-time police officers from time to time as they deem necessary.
- B. Duties.** A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the General Orders of the Village of Gilberts Police Department, but the number of hours a part-time officer may work within a calendar year is restricted. Part-time police officers shall not be assigned to supervise or direct full-time police officers. Part-time police officers shall be trained in accordance with the Illinois Police Training Act (50 ILCS 705/1et.seq.) and the rules and requirements of the ILETSB.
- C. Hiring Standards.** Any person employed as a part-time police officer must meet the following standards:
1. Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.
 2. Be at least twenty-one (21) years of age.
 3. Pass a medical examination.
 4. Possess a high school diploma or GED certificate.
 5. Possess a valid State of Illinois driver's license.
 6. Possess no prior felony convictions.

7. Any individual who has served in the U.S. military must have been honorably discharged.

D. Discipline. Part-time officers shall be under the disciplinary jurisdiction of the chief of police. Part-time police officers serve at the discretion of the village authorities, shall not have any property rights in said employment, and may be removed by the village authorities at any time. Part-time police officers shall comply with all applicable rules and General Orders issued by the Police Department

Section 3. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section 4. Repeal and Saving Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village of Gilberts prior to the effective date of this ordinances.

Section 5. Effective Date. This Ordinance shall be in full force and effect after its approval in the manner provided by law.

PASSED THIS _____ DAY OF JUNE _____, 2012

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Everett Clark	_____	_____	_____	_____
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Patricia Mierisch	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS _____ DAY OF _____, 2012:

Village President Rick Zirk

(SEAL)

ATTEST:

Village Clerk Debra Meadows

Published: _____



Memo

To: Ray Keller
Village Administrator

From: Steven Williams
Chief of Police

Date: May 8, 2012

Subject: Ordinance amendment request

The Illinois Law Enforcement Training and Standards Board has recently informed us that our Village Ordinance governing part time police officers is deficient. State law, 65 ILCS, section 5/3.1-30-21 specifically lists the requirements that must be met by local ordinance.

These statutory requirements include a statement that part time hours are restricted and that the minimum qualifications of part-time officers be identified. Our village ordinance lacks these necessary elements and should be amended to reflect these requirements. The Training Board has provided a model ordinance for consideration that addresses these issues.

As you can see from the Board's Legal Counsel, the Training Board has recourse for failing to comply with these statutory requirements.

I have attached a copy of our ordinance and the Board's correspondence for your review. I have also enclosed their sample model ordinance and recommend bringing an amended ordinance to the Village Board for their consideration.



Illinois Law Enforcement Training and Standards Board

STATE OF ILLINOIS

Pat Quinn, Governor
Kevin T. McClain, Executive Director

Phone: (217) 782-4540
Fax: (217) 524-5350
Website: <http://www.ptb.state.il.us>

CHAIRMAN

SHERIFF BRENT A. FISCHER
ADAMS COUNTY

VICE CHAIRMAN

CHIEF H. RICHARD WATSON, RET.
CAHOKIA POLICE DEPARTMENT

MEMBERS

VALERIE L. SALMONS
VILLAGE MANAGER, BARTLETT

CHIEF JOHN H. SCHLAF
KNOX COLLEGE CAMPUS SAFETY
GALESBURG

TED J. STREET

DWIGHT W. WELCH
MAYOR, COUNTRY CLUB HILLS

CHIEF ARTIS YANCEY, RET.
WAUKEGAN POLICE DEPARTMENT

ROLANDO VILLAFUERTE

SHERIFF MEARL J. JUSTUS
ST. CLAIR COUNTY

THOMAS W. BARWIN
VILLAGE MANAGER, OAK PARK

LAUREL LUNT PRUSSING
MAYOR, URBANA

STATUTORY MEMBERS

LISA MADIGAN
ATTORNEY GENERAL
STATE OF ILLINOIS

DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
COOK COUNTY

GARRY MCCARTHY
SUPERINTENDENT
CHICAGO POLICE DEPARTMENT

SHERIFF THOMAS DART
COOK COUNTY

HIRAM GRAU
DIRECTOR
DEPARTMENT OF STATE POLICE

SPECIAL AGENT-IN-CHARGE
FBI, SPRINGFIELD

DIRECTOR
POLICE TRAINING INSTITUTE,
CHAMPAIGN

SALVADOR GODINEZ
DIRECTOR
ILLINOIS DEPARTMENT OF
CORRECTIONS

April 24, 2012

Chief Steven Williams
Gilberts Police Dept
86 Railroad Street
Gilberts, IL 60136-9668

Re: Part-time Ordinance Request Modification

Dear Chief Williams:

We have recently reviewed the part-time officer ordinance submitted by your agency. Upon review we find that it fails to address at least one of the statutory or administrative requirements. Please modify the ordinance by addressing the following item(s) indicated by the "X" and return it our attention:

- X A description of the qualifications one must possess to become a part-time officer. (HIRING STANDARDS) Example: 21 years of age, education requirement, valid driver's license, residency, no prior convictions, etc.
- A statement that these part-time officers must be trained in accordance with ILETSB requirements
- X A statement that a number of hours a part-time officer may work within a calendar year are restricted
- The name of the municipality
- The date the ordinance was approved
- A reference to the record vote approving the ordinance
- The signature of an administrator verifying the entry of the ordinance

Please be advised that under the Illinois law, an ordinance must be on file before part-time officers can be hired, entered on a department's roster, or authorized to participate in any training programs. Without a proper ordinance on file, the costs of training these officers will not be reimbursed by the Board and our records will reflect that the department is out of compliance. **A sample ordinance is available on our website for your convenience.**

Thank you for your assistance in this matter. Should you have additional questions, please feel free to contact me or Jan Allen at your earliest convenience.

Very truly yours,

John R. Keigher
Board Legal Counsel

cc: MTU #3

65 ILCS, Sections 5/3.1-30-21

5/3.1-30-21. Part-Time Police

§ 3.1-30-21. Part-time police. A municipality may appoint, discipline, and discharge part-time police officers. A municipality that employs part-time police officers shall, by ordinance, establish hiring standards for part-time police officers and shall submit those standards to the Illinois Law Enforcement Training Standards Board.

Part-time police officers shall be members of the regular police department, except for pension purposes. Part-time police officers shall not be assigned under any circumstances to supervise or direct full-time police officers of a police department. Part-time police officers shall not be used as permanent replacements for permanent full-time police officers.

Part-time police officers shall be trained under the Intergovernmental Law Enforcement Officer's In-Service Training Act¹ in accordance with the procedures for part-time police officers established by the Illinois Law Enforcement Training Standards Board. A part-time police officer hired after January 1, 1996 who has not yet received certification under Section 8.2 of the Illinois Police Training Act² shall be directly supervised.

Laws 1961, p. 576, § 3.1-30-21, added by P.A. 89-170, § 15, eff. Jan. 1, 1996.

¹ 50 ILCS 720/1 et seq.

² 50 ILCS 705/8.2.

5C

RESOLUTION

VILLAGE OF GILBERTS

A Resolution approving and authorizing the execution of an agreement between with Water Services Inc. to replace residential water meters

Be it Resolved by the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois that:

Section 1:

The Village of Gilberts hereby authorizes the Village President and Village Clerk to execute an agreement by and between the Village of Gilberts and Water Services Inc. to replace residential water meters, hereto attached as Exhibit A as approved.

Section 2:

This resolution shall be in full force and in effect from and after its passage and approval pursuant to law.

Passed this ____ day of June, 2012 by a roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Everett Clark	_____	_____	_____	_____
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Lou Hacker	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Patricia Mierisch	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS ____ DAY OF JUNE , 2012

Village President, Rick Zirk

(SEAL)

ATTEST:

Village Clerk, Debra Meadows

Published:

Exhibit "A"

TO: Ray Keller

Village of Gilberts

5/25/2012

Preliminary Agreement To Install Radio Frequency Water Metering System

The Village of Gilberts (the VOG) and Water Services Company (the Contractor) hereby enter into this agreement whereby Contractor shall install a Radio Frequency Water Metering System in homes within the service areas of VOG.

The installation work will be performed by Water Services Company. Installation work is to be performed by licensed plumbers employed by Water Services Company of Elgin, Illinois. The water meters and integral radio registers would be supplied to Water Services Company by the Village of Gilberts. All other installation materials would be supplied by Water Services Company. In addition, Water Services Company would perform all project management duties for the project. This includes: management of project account database, appointment request letters printing and mailing, management of incoming customer appointment phone calls using one of Water Services' available 1-800 phone numbers to be assigned to the project, response to other customer inquiries as they occur and all project invoicing to the Village for work completed.

The contractor shall commence installation as soon as agreed upon by the VOG. The Contractor shall achieve substantial completion of the entire project within 120 days after the project commences. Substantially completed is understood to be at least 90% complete. The VOG shall pay the Contractor on a monthly basis for the number of installations completed during that month.

The Installers will record each Meter and MIU's Serial numbers, as well as other pertinent site installation data on the companies' handheld computers utilized by field installation staff. This information shall be submitted to the VOG at the time of payment request.

(See Attachment A for pricing schedule)

Water Services Co. shall carry insurance during the course of the project and provide the VOG with a Certificate of Insurance, which will name the VOG as an additional insured.

1. General Liability Insurance
 - (a) Personal injury with limits of not less than \$ 1,000,000.00
 - (b) Property damage with limits of not less than \$ 1,000,000.00
2. Auto Liability
 - (a) Bodily injury with limits of not less than \$ 1,000,000.00
 - (b) Property damage with limits of not less than \$ 1,000,000.00
3. Workman's Compensation Insurance with limits as prescribed by laws of the State of Illinois and Employer's Liability Insurance with limits of \$ 100,000.00.

Village of Gilberts

Water Services Company.

By

Date

By

Date

May 25, 2012

Ray Keller
Village of Gilberts
87 Galligan Road
Gilberts, IL 60136

RE: Meter Replacement Program (Attachment A)

<u>Quantity</u>	<u>Description</u>	<u>Cost (Each)</u>
1	Replace current Meters with new Neptune ¾" T-10 E-coder Meter	\$ 85.00
1	Replace current Meters with new Neptune 2" T-10 E-coder Meter	\$ 220.00
1	Replace current Meters with new Neptune 3" CMPD E-coder Meter	\$ 300.00
1	½" Valve Replacement	\$ 75.00
1	¾" Valve Replacement	\$ 85.00
1	1" Valve Replacement	\$ 95.00
1	Line Freeze	\$ 95.00

This installation pricing is valid through December 31, 2012. Installation pricing for 2013 will need to be determined based upon current market conditions at the end of the current calendar year.

I welcome the opportunity to answer any questions you may have or discuss this quote in further detail at your convenience.

Very Truly Yours,

Anthony Gattuso
Water Services Company

5D

RESOLUTION

VILLAGE OF GILBERTS

A Resolution authorizing a purchase agreement between the Village of Gilberts and McCann for one Loader Backhoe

Be it Resolved by the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois that:

Section 1:

The Village of Gilberts hereby authorizes the Village President and Village Clerk to execute a purchase agreement between the Village of Gilberts and McCann and such documents as are necessary and convenient to effectuate the purchase of one Loader Backhoe in the amount not to exceed \$88,582.00 attached hereto and made a part hereof as Exhibit A as approved.

Section 2:

This resolution shall be in full force and in effect from and after its passage and approval pursuant to law.

Passed this ____ day of _____, 2012 by a roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Everett Clark	_____	_____	_____	_____
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Patricia Mierisch	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS ____ DAY OF _____ 2012

Village President, Rick Zirk

(SEAL)

ATTEST:

Village Clerk, Debra Meadows

Published: _____



Serving the Constructor | McCannOnline.com

543 S. Rohlwing Road Addison, IL 60101

Ph: 630-627-0000 | Fax: 630-627-8711

EQUIPMENT SALES ORDER

ADDISON (630) 627-8700

BOLINGBROOK (630) 739-7770

CRESTWOOD (708) 597-3110

CHICAGO (312) 942-9200

MC HENRY (815) 385-0420

SCHERERVILLE (219) 865-6545

WAUCONDA (847) 526-9444

CUSTOMER/PURCHASER NAME Village of Gilberts				CUSTOMER NUMBER		ORDER DATE 5-10-2012	
D/B/A				ACCOUNT MANAGER D. Tovar		CUSTOMER PO #	
STREET ADDRESS 87 Galligan Rd.				WRITTEN BY D. Tovar		CUSTOMER JOB #	
CITY Gilberts		STATE IL.		ZIP 60136		COUNTY Kane	
CELL PHONE		BUSINESS PHONE 847-428-2861		BUSINESS FAX 847-428-2955		JohnSwedberg@villageofgilberts.com	

NO DELIVERY OF GOODS TO BE MADE UNTIL FULL SETTLEMENT IS RECEIVED

DELIVERY TO BE MADE ON OR BEFORE				OR AS SOON AS POSSIBLE				
DELIVERY ADDRESS (IF DIFFERENT FROM ABOVE) 73 Industrial Avenue – Public Works Building						CITY, STATE		ZIP
QUANTITY		Year	Model	MAKE, MODEL, DESCRIPTION	SERIAL NUMBER	CASH PRICE EACH ITEM		
NEW	USED	RENTAL						
1			2012	580"N"	Case Loader Backhoe per SPECS		\$	88,582.
					as Quoted on January 31 st , 2012, adding		\$	
					Includes Pilot Controls & Ride Control		\$	1
					Case Standard Warranty		\$	
					Built to Order- Based on Specifications		\$	
						Sell Price	\$	8

TRADE-IN EQUIPMENT

TRADE-IN SHIP TO: ☐ Bolingbrook ☐ McHenry ☐ Wheeling ☐ Schererville

TRANSPORTATION TO BE PAID BY: ☐ MCCANN X

YEAR	HOURS	DESCRIPTION	TRADE ALLOWANCE	AMT OWING	NET TRADE ALLOWANCE	OWED TO WHOM	NOTI
		MAKE MODEL SERIAL#					
		No Trade-In					

TOTAL TRADE ALLOWANCE

Purchaser hereby bargains, sells and conveys unto Seller the above described Trade-In Equipment and warrants and certifies it to be free and clear of liens, encumbrances, and security interests except as shown above.

OTHER FEES

1. Doc Fees	\$	
2. License & Title	\$	
3. Extended Service Contract	\$	
4. Physical Damage Insurance	\$	
5. Total Other Fees (1+2+3+4)	\$	

1. SELLING PRICE	\$	8
2. TRADE ALLOWANCE (per above)	\$	---
3. NET PRICE (1-2)	\$	
4. LOCAL SALES TAX	City	Rate
5. FREIGHT	\$	
6. OTHER FEES (per left column)	\$	
7. TOTAL PRICE (3+4+5+6)	\$	8
8. CASH WITH ORDER	\$	
9. RENTAL CREDIT (per left column)	\$	
10. BALANCE ON DELIVERY (7-8-9)	\$	88

RENTAL CREDIT CALCULATION

1. # Months	
2. Monthly Rental Rate	\$
3. Total Rental (1x2)	\$
4. % Credit Granted	
If purchased within:	
0-30 days.....	100% applied
31-60 days.....	90% applied
61 & after.....	85% applied
5. Rental Credit (3x4)	\$

TERMS:

DUE WITHIN 10 DAYS OF DELIVERY

X

Warranty coverage on the equipment covered by this order, if any, has been explained to purchaser. The warranty coverage is outlined below and indicated by the box checked.

X NEW CASE PRODUCT WARRANTY or qualified Case warranty

WARRANTIES PROVIDED BY THE SELLER ON NEW CASE PRODUCTS SHALL BE GIVEN TO PURCHASER UNDER SEPARATE AGREEMENT, THE RECEIPT WHEREOF IS HEREBY ACKNOWLEDGED BY PURCHASER

☐ NEW - Other manufacturer's warranty

☐ USED - When the equipment covered by this order is used equipment, THE PURCHASER STATES THAT HE EXAMINED THE EQUIPMENT and is buying the equipment AS IS and with NO REPRESENTATIONS OF WARRANTIES unless otherwise stated in writing below.

Accept	Decline	\$	Deductible
--------	---------	----	------------

Full Machine ☐ Power Train ☐ Power Train + Hydraulics ☐ Structural ☐ Hours ☐ Months

If purchased, the term of the extended service contract begins concurrently with the base warranty start date and ends with extended service contract expiration date or maximum hours (whichever comes first).

Accept Decline

Purchase Price \$ _____ Term: _____ Years _____ Hours _____ Financed with Machine: Yes ☐ No ☐

PREVENTATIVE MAINTENANCE PACKAGE SHALL BE GIVEN TO PURCHASER UNDER SEPARATE AGREEMENT. THE RECEIPT WHEREOF IS HEREBY ACKNOWLEDGED BY PURCHASER.

Accept	Decline	\$	Deductible
--------	---------	----	------------

Premium Calculation:

	Initial	Accept	Initial	Decline	Accept	Decline
Selling Price of Equipment (excluding sales tax)	X	Monthly Rate	X	Number of Months	=	Total Premium
\$	X		X		=	\$

The Customer requests that McCann Industries, Inc. ("hereinafter referred to as 'McCann'"), sell, rent, loan, demo, service, and repair goods and equipment on account in consideration of which the Customer and McCann agree as follows:

Payment for equipment is due at time of order and in no event shall equipment be delivered prior to full settlement. The Customer shall pay the full amount of any outstanding balance shown on the monthly statement within thirty (30) days of the invoice date. Should payment not be received by McCann according to the credit terms stated, the entire balance is considered in default and due for immediate payment. Customer agrees to pay a service charge on the outstanding balance for which payment has not been received according to terms stated. The service charge shall be a minimum of 1-1/2% per month of the Customer's outstanding past due balance, after deducting current payments and credits. Such service charges shall become part of the Customer's outstanding balance. Customer agrees to pay McCann a reasonable processing fee to cover any check returned by Customer's bank as unpaid. If the Customer fails to pay pursuant to the terms of this agreement and McCann elects to take action to collect this Account, the Customer shall pay all costs incurred by McCann including, but not limited to: Attorney's fees, collection agency fees, court costs, deposition and transcript costs, sheriff's fees, special process server fees, expert witness fees and bond costs. THE CUSTOMER ASSIGNS AS SECURITY FOR ANY INDEBTEDNESS INCURRED OR TO BE INCURRED TO MCCANN UNDER THIS ACCOUNT ALL OF THE CUSTOMER'S PRESENTLY OWNED AND EXISTING AND HEREAFTER ACQUIRED AND ARISING: ACCOUNTS, ACCOUNTS RECEIVABLE, CONTRACT RIGHTS, CHATTEL PAPER, EQUIPMENT, INVENTORY, AND ALL PROCEEDS OF THE FOREGOING COLLATERAL. CUSTOMER APPOINTS ANY REPRESENTATIVE OF MCCANN AS CUSTOMER'S ATTORNEY-IN-FACT TO SIGN AND FILE A UCC-1 FINANCING STATEMENT TO PERFECT THE SECURITY INTEREST. THIS TRANSACTION SHALL BE GOVERNED BY THE LAW OF THE STATE OF ILLINOIS, AND JURISDICTION AND VENUE FOR THE HEARING FOR ANY MATTER IN DISPUTE SHALL BE WITH THE DUPAGE COUNTY CIRCUIT COURT OF ILLINOIS. Customer waives any right to a jury trial and any right to file a Counter-Claim in any action to enforce this agreement. At McCann's sole discretion, any deposition will take place in DuPage County.

Time is of the essence of this contract and if Customer fails to comply with any of the terms and conditions hereof or defaults in the payment of any installment hereunder or under any renewals hereof, or in the payment of interest or defaults in the payment of any installment due under any other indebtedness or contract held by the McCann or Assignee, or if proceedings are instituted against Customer under any bankruptcy or insolvency law or Customer makes an assignment for the benefit of creditors or if for any reason the McCann deems himself insecure and so declares all payments heretofore made by Customer shall be retained by the McCann and all indebtedness hereunder shall become immediately due and payable, with or without notice, together with all expenses of collection by suit or otherwise, including reasonable attorney fees and McCann may, without notice or demand, take possession of the equipment set forth on the reverse hereof, or any additions to, replacements of, or any proceeds from said equipment or may render the property unusable or McCann may require Customer to assemble the property and make it available at a place designated by McCann. McCann may resell the retaken property at public or private Sales in accordance with the Uniform Commercial Code or applicable state or provincial law. After deducting reasonable expenses for retaking, repairing, holding, preparing for sale, other selling expenses including attorney fees and legal expenses, the remaining proceeds of Sale shall be credited upon the amount of indebtedness remaining unpaid hereunder, and Customer agrees to pay any deficiency upon demand by McCann, and surplus, however, shall be paid to Customer. Said retaking or repossession shall not be deemed rescission of the contract. McCann may exercise any other rights and remedies provided by applicable law. The remedies provided for herein are not exclusive and any action to enforce payment shall not waive or affect any of the holder's rights to have recourse to the property. The transfer of this contract shall operate to pass a security interest in the property as security for the payment hereof.

The Customer acknowledges that it has special skill and knowledge in the selection and use of the equipment and material to be purchased, loaned, used for demo or rented from McCann and expressly disclaims any reliance upon any statements or representations made or to be made by McCann regarding the sale, rental, demo or repair of any material or equipment. The Customer also acknowledges that it is their responsibility to comply with the manufacturer's instructions in regard to storage, preparation, mixing, and application of materials and expressly disclaims any reliance upon any statements or representations made or to be made by McCann regarding the materials. MCCANN MAKES NO WARRANTIES, EXPRESSED OR IMPLIED AS TO THE EQUIPMENT'S MERCHANTABILITY OF FITNESS FOR ANY PARTICULAR PURPOSE. The Customer also waives any liability upon McCann for any direct, special, or consequential damages that Customer may suffer. The exact manner in which this equipment will be used and the qualifications of the user and the equipment or lack of equipment of the user are beyond the control of the McCann, therefore McCann expressly disclaims any responsibility for Customer's compliance or failure to comply with OSHA and/or other governmental safety or health regulations or standards.

The Customer authorizes any of its employees it sends to McCann to deliver or pick up equipment or materials, for purchase, loan, demo, rental, or repair, to sign demo, rental or delivery receipts or repair orders for said equipment or materials and agrees to be bound by all the terms of said documents. If McCann's employees assist in loading or unloading, the Customer agrees to assume the risk of, and hold McCann harmless from, any property damaged or personal injuries attributable to the negligence of McCann, including McCann's employees. In the event the Customer directs McCann to deliver any material or equipment, and the Customer does not have a representative present at the time of delivery, the Customer authorizes McCann to leave the material and equipment at the designated place of delivery. Upon said delivery, the Customer will be responsible for said material and equipment. McCann's use of a purchase order number is for Customer's convenience and identification only. This agreement supersedes any inconsistent provision in any purchase order. Absence of a purchase order number shall not constitute grounds for non-payment of charges when the Customer has had possession, or the right to possession of the items charged. Customer agrees to inspect all material immediately upon delivery to verify: (a) the quantities described in the agreement are the quantities delivered and (b) there are no visible defects in the material. The Customer also agrees to examine all delivery tickets and invoices upon receipt. Unless the Customer gives McCann written notice by certified mail-return receipt requested within three (3) days of delivery, the Customer waives any claim he may have against McCann for any determinable deficiency or defect in said delivery, product, or repair, and any objection he may have to the amount of the invoice.

The Customer shall indemnify and hold McCann harmless against any and all claims, demands, liabilities, losses, damages, and injuries whatsoever kind or nature, and all attorney's fees, costs and expenses relating to or in any way arising out of the ordering, acquisition, delivery, installation, possession, maintenance, use, operation, control, loss, damage, destruction, return, surrender, sale or disposition of the material and/or equipment purchased, loaned, used for demo or rented from McCann. This indemnity shall not be affected by any termination of this agreement with respect to said materials and equipment. McCann shall be excused if delivery is delayed or rendered impossible by differences with workmen, strikes, work stoppages, car shortages, delays in transportation, inability to obtain labor or materials and also by any cause beyond the reasonable control of McCann, including but not restricted to acts of God, floods, fire, storm, acts of civil and military authorities, war and insurrections.

The parties agree that this is the entire agreement and that no oral representation or agreement has been made which would modify this agreement or be a condition precedent or subsequent to the enforcement of this agreement and that this agreement may not be modified except by a writing signed by each of the parties. The invalidity of any portion of this agreement shall not be construed as a waiver thereof and shall not excuse Customer from strict performance. Customer authorizes McCann to insert the serial and/or model numbers of the goods set forth on the reverse side hereof for the purposes of identifying said equipment.

Customer represents that he has read and has been afforded the opportunity to read the terms of this agreement and agrees to be bound by them.

IT IS UNDERSTOOD THAT THIS IS THE ENTIRE AGREEMENT BETWEEN PARTIES AND IS SUBJECT TO ACCEPTANCE AT ADDISON, ILLINOIS.

ACCOUNT MANAGER: Dennis Tovar, 630-774-8830

PURCHASER:
(COMPANY)

The Village of Gilberts Illinois

BY: _____
Authorized Signature

DATE: _____

BY: _____
Authorized Signature

DATE: 5-10-2012

ACCEPTED: MCCANN INDUSTRIES, INC.

NAME: _____
Print Name

TITLE:

NOTICE TO PURCHASER

Caution. Do not sign this contract before you thoroughly read both sides of it or if it contains blank spaces, even if otherwise advised. You are entitled to an exact and completely filled-in copy of this Contract when you sign it. Keep it to protect your legal rights.

5E

RESOLUTION

VILLAGE OF GILBERTS

A Resolution authorizing borrowing from Union National Bank

Be it Resolved by the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois that:

Section 1:

The Village of Gilberts hereby authorizes the President and Village Clerk to execute a promissory note and such documents as are necessary or convenient to effectuate a loan from the Union National Bank, Elgin, Illinois in the amount of \$71,000.00 for a term ending of 4 years with principal and interest at a fixed rate of 3.25% annually, the proceeds of sales loan to be utilized to purchase one (1) 2012 Case 580 N (Interim Tier 4) Loader Backhoe with payment commencing in Village Fiscal Year 2014.

Section 2:

This resolution shall be in full force and in effect from and after its passage and approval pursuant to law.

Passed this ____ day of _____ 2012 by a roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Everett Clark	_____	_____	_____	_____
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Patricia Mierisch	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS ____ DAY OF _____, 2012

Village President Rick Zirk

(SEAL)

ATTEST:

Village Clerk Debra Meadows

UNION NATIONAL BANK

101 East Chicago Street, Elgin, Illinois 60120-6466 / Phone: 847-888-7500 Fax: 847-888-2662

Loan Approval Terms

BORROWER: Village of Gilberts

FINANCING FOR: Purchase of a 2012 Case 580N (Interim Tier4) Loader Backhoe

AMOUNT: \$71,000.00

TERM: 4 years

AMORTIZATION: 4 years, annual payments

RATE: 3.25%, fixed

ESTIMATED COSTS: None.

COMMITMENT FEE: None

ORIGINATION FEES: None

ANNUAL PAYMENT: \$19,236.95

PREPAYMENT FEE: N/A

COLLATERAL: Specific lien / Purchase Money Security Interest / Title on a 2012 Case 580N (Interim Tier4) Loader Backhoe.

GUARANTORS: None

ADDITIONAL CONDITIONS:

- 1) Subject to Bank's Standard Commitment Terms and Conditions.
- 2) Village to retain their banking depository relationship with UNB.
- 3) Receipt of approvals/minutes from Village approving purchase/allocation of funds for the debt service on the subject loan.
- 4) Invoice for purchase of equipment (Bank to pay directly).

FINANCIAL TRACKING REQUIREMENTS:

- 1) Annual fiscal year-end financial statement for the Village of Gilberts

Authorized Bank Signature: _____

Borrower: Village of Gilberts

Authorized Bank Signature: _____

Authorized Signature: _____

Date: 5/23/2012

Authorized Signature: _____

UNION NATIONAL BANK

101 East Chicago Street, Elgin, Illinois 60120-6466 / Phone: 847-888-7500 Fax: 847-888-2662

Standard Commitment Terms and Conditions

Page 1 of 2

We are pleased to commit to your loan(s) on the following terms and conditions. Please review the Loan Approval Terms sheet carefully. If the terms and conditions are acceptable to you, please sign one copy of the Loan Approval Terms sheet and return to us. By signing it, you agree to the terms outlined in it, plus the terms and conditions disclosed in this document. Be sure to include a check for the Commitment Fee, if applicable, which is applied towards the fees listed on the attached sheet(s). This commitment expires 30 days from the date of this Approval if we have not received your check for any fees and a signed copy of the Loan Approval Terms sheet.

Wherever we use the word "you" in this disclosure, we are including all borrowers and guarantors. The terms outlined on the attached Loan Approval Terms Sheet are incorporated into this disclosure. Other terms that apply are stated below.

Real Estate - General Requirements. For all real estate listed as collateral on the Loan Approval Terms sheet, we require a mortgage and assignment of rents. The Loan Approval Terms sheet shows whether we require a first mortgage, or a junior lien on the real estate. At our discretion, we also require either a lender's title policy or tract search on the property. If the title policy or tract search shows liens that would reduce the value of your real estate collateral, we can cancel this commitment. If we are requiring a second mortgage on any of your properties, please furnish us a copy of the first mortgage when you return the sheet.

Real Estate - Tax Escrow. At our sole discretion, we may at anytime require an escrow account be established with us for the real estate taxes on the real estate collateral. Your monthly mortgage payment will be adjusted to include the required tax escrow amount, per our calculations.

Real Estate Collateral - Insurance. You agree to maintain replacement insurance coverage on the property. This coverage must equal the loan amount or the maximum insurable value, if the maximum insurable value is less than the loan amount. The insurance policy must name us as mortgagee. Please have your agent fax us documentation showing the amount of your insurance, with us listed as mortgagee. We need this information three days prior to closing. If a portion of the loan proceeds are being used for new construction, we also require evidence of Builder's Risk Insurance and Worker's Compensation Insurance. Your general contractor should be able to provide evidence of Worker's Compensation Insurance.

Real Estate Collateral - Appraisal. We require an appraisal on the real estate collateral. We will order the appraisal, at your expense. If the appraisal results are not satisfactory to us, at our sole discretion, we can cancel this commitment.

Real Estate Collateral - Environmental Report. We require a Phase I environmental assessment or Environmental Transaction Screen on all real estate collateral that is not a residence. The report must be completed by a firm acceptable to us. It is issued at your expense, unless otherwise noted. You must provide it to us at least 3 business days before closing your loan. If the assessment reveals adverse information about the real estate that could potentially reduce the value, we can cancel this commitment. It is at our sole discretion to determine whether the environmental hazard potentially reduces the value of the property.

Real Estate Collateral - Survey. We require a Plat of Survey on any real estate pledged as collateral. You must furnish it to us at least one week prior to closing. If you are purchasing the property, the survey is usually prepared by the seller. If our loan is being used to refinance the property we may be able to use an existing survey provided that no exterior improvements to the property have been done since the survey was completed. If you already have a survey of the property please send it to us as soon as possible to avoid delays at closing. If our loan is being used for new construction, we require that a spotted survey be performed upon completion of the structure's foundation.

Real Estate Collateral - Leases. If this is a loan guaranteed by the United States Small Business Administration ("SBA"), and the property will be leased by an individual to his or her business, we require a duplicate original of all leases between the property owner and the business. The term of the lease, including options for renewal must be for a term that is at least equal to the term of the loan.

Real Estate Construction Loans. If the loan is being used for construction or renovation purposes, we require a copy of the contract with the general contractor, and a set of construction plans. In addition, the contractor will provide you with a "General Contractor's Sworn Statement" listing the names of each subcontractor and the amounts of their contract. Please provide us with a copy of this form, as all of our construction payouts will be made directly to the subcontractor through a title company construction escrow. We will only use Chicago Title Insurance Company. No exceptions.

Business Assets - General Requirements. If business assets are listed as collateral on the Loan Approval Terms sheet, we require a perfected security interest (lien) in all your business assets. This includes, but is not limited to, accounts receivable, inventory, and equipment, whether now owned or hereafter acquired and wherever located.

Business Assets Collateral - Insurance. A9

Stock/Bond Collateral. If stocks or bonds are listed as collateral on the Loan Approval Terms sheet, we require that the original certificates be delivered to us. If the stocks or bonds are issued on book entry (electronic) form only, you must place them in a custodial account over which we have sole control. The custodial account must be free of any other liens, and the custodian must accept your assignment of the account to us.

Life Insurance Collateral. If an assignment of life insurance is listed as collateral on the Loan Approval Terms sheet, you must deliver to us the original life insurance policy. You must also sign an assignment of the policy to us, and it must be signed and acknowledged by the insurance company's home office before we can close. Your beneficiary remains the same under then policy, and the beneficiary receives any life insurance claim money after your indebtedness with us is satisfied. For SBA guaranteed loans, the SBA may, at its sole discretion, require an assignment of life insurance. This requirement would be listed in the SBA Loan Authorization.

Guarantors. If any guarantors are listed on the Loan Approval Terms sheet, you agree to guarantee the loan in a form acceptable to us. Collateral pledged by a Guarantor is to secure the obligations of the Guarantor.

Cancellation of This Commitment By Us. We have the right to cancel this commitment under certain conditions. If your loan does not close due to our canceling this commitment, we can pay all expenses to third parties from your commitment fee. We can also keep \$1,000.00 of the fee for processing costs, if applicable. We will return any excess balance to you.

Cancellation of This Commitment By You. If your loan does not close for any reason other than our canceling this commitment, we can retain the commitment fee in full. If our third party expenses exceed the commitment fee, you agree to reimburse us for the additional amount. This is not a penalty, but liquidated damages to us. Reasons other than our cancellation include, but are not limited to, your non cooperation or your failure or inability to comply with any term or condition of this commitment, or any term or condition which subsequently becomes a part of this commitment.

Balance at Maturity. You must pay the entire balance of any unpaid principal and interest due when this loan matures. We are not obligated to refinance the loan when it comes due. Although we may elect to refinance the loan at maturity, you may be required to repay the loan from other assets or from funds provided by another lender.

Closing. We anticipate closing your loan within 60 days of the date of this disclosure. If your loan is not closed by that time, and we have not given a written extension of this commitment, then this commitment expires without further notice to you. We will disburse the loan either at our office, or through an escrow agent acceptable to us. The location and method of closing is at our discretion.

Prepayment Penalty. We may charge a prepayment penalty for amounts paid in excess of the scheduled payments. Any prepayment penalties will be described in either the Loan Approval Terms sheet or the loan documents.

Events Occurring Between Today And Closing. We are issuing this commitment based on the facts that we have today. You agree to provide the information we need to complete any unfinished analysis, as well as items we will need to close this loan for you. If our further analysis reveals other information that we believe diminishes the quality of this loan, we reserve the right to either modify or cancel this commitment. This right is based on our sole discretion.

Waiver of Trial by Jury. You and we both voluntarily and intentionally agree to waive our respective rights to trial by jury in connection with this transaction. This waiver covers any action, proceeding or litigation resulting from the commitment, the loan, collateral, or the loan documentation. This waiver covers any actions either before or after closing of the loan. You and we agree that we both give this waiver as partial consideration for our issuing this commitment.

Limit of Liability. If you believe that we have failed to perform our obligations under this commitment, you must give us written notice of our failure within fourteen calendar days of the action that you believe resulted in our failure to perform. If you do not notify us within the fourteen calendar days, you waive all rights to claim a loss. If we have failed to perform our obligations, and you have notified us within the fourteen calendar days, you agree to accept two times the amount of the commitment fee as fair and total compensation for our failure. This amount is not a penalty, but liquidated damages. We are not liable for any consequential or special damages of any kind or nature.

Bank Expenses. You agree to pay all expenses, costs and other out of pocket fees incurred by us. This includes cost for analyzing, reviewing, investigating, appraising, documenting, or preparing the loan and security documents. These expenses include the cost of making sure that all liens on collateral are perfected to the satisfaction of the bank. You agree to pay these expenses at the time of closing. Any construction inspection fees must be paid at the time of disbursement.

Third Parties. This commitment is issued only to you. You cannot assign or transfer it. If you attempt to assign or transfer it, it immediately becomes null and void. This commitment is issued for your sole benefit and no one else may rely upon this commitment in any way, for any reason or purpose.

SBA Loans. If our loan is guaranteed by the SBA, an SBA Loan Authorization will be provided to you once it becomes available. Our commitment is also subject to this Authorization. You agree that the terms and conditions of it are hereby incorporated into and made a part of this Commitment. In addition to the SBA Guaranty Fees, we may charge a borrower a fee for packaging and other services for an SBA loan. The borrower is not required to obtain or pay for unwanted services.

Bank Expenses. You agree to pay all expenses, costs and other out of pocket fees incurred by us. This includes cost for analyzing, reviewing, investigating, appraising, documenting, or preparing the loan and security documents. These expenses include the cost of making sure that all liens on collateral are perfected to the satisfaction of the bank. You agree to pay these expenses at the time of closing. Any construction inspection fees must be paid at the time of disbursement.

Notice of Borrower's Right to Appraisal Report. If you have applied for a loan to be secured by residential property, you have the right to a copy of the appraisal report prepared in connection with your application for credit, provided that you have paid or reimbursed us for the cost of the appraisal report prior to your receiving a copy. You may request a copy of the appraisal report by writing to us at Union National Bank, 101 East Chicago Street, Elgin, IL 60120. We will send it to the address you furnish us with your loan application or request. We must hear from you no later than 90 days after you are notified by us about the action taken on your credit application or you withdraw your application. By signing your application and/or commitment letter, you acknowledge receipt of your own copy of this notice of borrower's right to a copy of the appraisal report.

Other Terms. This commitment is valid only when executed by two authorized officers of the bank. Any change, modification or waiver of our rights or obligations under this commitment must be in writing and signed by two authorized bank officers. This commitment replaces any prior commitments, oral or written. If additional borrowers and/or guarantors exist, beyond the number of signature lines provided, these additional borrowers and/or guarantors are required to sign the Loan Approval Terms sheet in the space below the signature lines, including their respective title.

We appreciate this opportunity to be of assistance to you and look forward to working with you.

5F

RESOLUTION

VILLAGE OF GILBERTS

**A Resolution memorializing the intent of the Board of Trustees
to reduce the number of authorized supervisory positions
within the Village of Gilberts Police Department**

WHEREAS, the Village of Gilberts ("the Village") has a Police Department currently consisting of four patrol officers, two sergeants, one lieutenant, and a Chief of Police;

WHEREAS, the positions of Chief of Police, lieutenant, and sergeant are considered to be supervisory in nature;

WHEREAS, the sense of the Village of Gilberts Board of Trustees ("the Board") is that effective supervision of the patrol officers in the Police Department does not require a 1:1 ratio of police supervisors to patrol officers;

WHEREAS, the sense of the Board is that the ratio of police supervisors to patrol officers should be changed through attrition;

WHEREAS, the Board finds that it is in the best interests of the Village to confirm its intention to replace the next lieutenant or sergeant to leave the employ of the Village with a patrol officer, without a corresponding promotion of a patrol officer to sergeant;

NOW THEREFORE, be it resolved by the Village President and Board of Trustees of the Village of Gilberts, Kane County, Illinois as follows:

SECTION 1: The above-stated recitals are incorporated herein by reference.

SECTION 2: At such time as the current incumbent of the position of lieutenant or either of the current incumbents of the position of sergeant should leave the employ of the Village, it is the intent of the Board to reduce the authorized strength levels by position within the Police Department so that the combination of authorized supervisory positions within the Police Department, including the

Chief of Police, is no greater than three such positions, consisting of the Chief Police, one lieutenant and one sergeant, or the Chief of Police and two sergeants.

SECTION 3: Further, the intent of the Board is to abolish the position of lieutenant at such time as the current incumbent of that position leaves the employ of the Village, with the result that the supervisory positions shall thereafter consist of a Chief of Police and such number of sergeants as the Board shall then authorize, but no fewer than two sergeants.

SECTION 4: All prior resolutions, motions, or other Board actions or a part thereof, which conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

SECTION 5: This Resolution shall be in full force and effect from and after its passage and approval.

SECTION 6: If any portion of this Resolution is found and determined to be invalid, the invalid portion shall be stricken herefrom and the remainder shall be in full force and effect.

Passed this _____ day of June, 2012 by a roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Everett Clark	_____	_____	_____	_____
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Lou Hacker	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Patricia Mierisch	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS _____ DAY OF May , 2012

Village President, Rick Zirk

(SEAL)

ATTEST:

Village Clerk, Debra Meadows

Published: _____

VILLAGE of GILBERTS

PLAN COMMISSION MEETING

87 Galligan Road

Gilberts, IL 60136

June 13, 2012

7:00 p.m.

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL / ESTABLISH QUORUM**
- 3. APPROVAL OF MINUTES**
May 9, 2012
- 4. NEW BUSINESS**
A.
- 5. OLD BUSINESS**
A. Worksession: Unified Development (Zoning) Ordinance
- 6. COMMUNICATIONS**
- 7. ADJOURNMENT**

**Plan Commission
87 Galligan Road
Gilberts, IL 60136
Meeting Minutes
May 9, 2012**

Call to Order

Chairman Hagen called the meeting to order at 7:01 p.m.

Roll Call/Establish Quorum

Roll call: Members present: Commissioners, McHone, Mills, Sullivan, Zoerhoff, Vice Chairperson Davidowski, and Chairman Hagen. Also present were Administrator Keller and Attorney Tappendorf.

Not present were Commissioners Borgardt, del Vecchio, Fatigato and Ex-Officio LeClerc.

Approval of Minutes

A motion was made by Commissioner Zoerhoff and seconded by Commissioner Sullivan to approve the minutes from March 14, 2012. Unanimous Voice Vote: all ayes. (Commissioners McHone, Mills, Sullivan, Zoerhoff, Vice Chairperson Davidowski, and Chairman Hagen). 0-nays. 0-abstain. Motion carried.

New Business

None

Old Business

Worksession: Unified Development (Zoning) Ordinance – Chapter 8-General Use Regulations

9-8-1 Accessory Structures and Uses was discussed first. The definition has been expanded. Under D. Permitted Accessory Uses by District, "Fallout shelters" will be deleted. A brief discussion regarding guest houses continued afterwards.

Under E.2. Tennis and Playing Courts, Private, it will be added that the ten foot fence cannot be located along the property line. E.2.e. will state as follows: "A tennis court or playing court shall not be lighted for playing purposes, except as permitted by a special use."

Commercial Motor Vehicles was next discussed. The last sentence "No more than one commercial vehicle may be parked or stored on a residentially zoned lot." will be moved to the beginning of the section. The same holds true for Recreational Vehicles and Boats. The last sentence will be moved to the beginning of the section. It will be added to the section that the RV or Boat must be registered by the property owner.

E.7. Storage of Disabled or Junk Motor Vehicles was next discussed. E.7.a. will read as follows: "In Residential Districts. No inoperable motor vehicle may be stored in the

Plan Commission
Meeting Minutes
May 9, 2012
Page 2

open.” E.7.b. has a minor change to the beginning of the first sentence. “Disabled” will be replaced with “inoperable;” “or damaged” will also be removed.

Enforcing of regulations and ordinances was next discussed.

9-8-2 Home Occupations. The limitation of one employee was questioned. This means that only one person who doesn’t reside in the house will be allowed on the premises.

9-8-3 Temporary Uses. These will require a permit. Garages sales were next discussed.

9-8-6 Agriculture Uses. C.2. Special Uses will be addressed. There is currently not an ordinance restricting residents from raising livestock.

9-8-8 Performance Standards. There were significant changes made to this section. Electromagnetic interferences were discussed. Noise is state regulated.

9-8-9 Bulk Regulations. Attorney Tappendorf gave a brief description of this section.

Communications

The next meeting will be held on June 13. Chapter 9 Site Development will be the topic that evening.

Chairman Hagen reminded the commissioners to complete their OMA Training if they hadn’t done so already.

On Tuesday May 12, 2012 seven out of the nine Plan Commission members will be sworn into the ZBA.

The Plan Commission will be meeting in the near future to discuss the Comprehensive Plan. Administrator Keller will be applying for a grant through CMAP.

Affordable housing was discussed.

Adjournment

There being no further business to discuss, **a motion was made by Vice Chairperson Davidowski and seconded by Commissioner Zoerhoff to adjourn from the meeting at 9:00 p.m.** Unanimous Voice Vote: all ayes. 0-nays. 0-abstain. Motion carried.

Respectfully submitted,
Karen Danca, Recording Secretary



DIAMOND BUSH
DiCIANNI
& KRAFTHEIMER

A Professional Corporation
140 South Dearborn Street, Suite 600
Chicago, IL 60603
www.ancelglink.com

Julie A. Tappendorf
jtappendorf@ancelglink.com
(P) 312.604.9182
(F) 312.782.0943

MEMORANDUM

To: Chairman and Members of the Plan Commission
Village of Gilberts

CC: Village Administrator Ray Keller

From: Julie A. Tappendorf

Subject: Comprehensive Amendment – UDO (Chapter 9, Site Development Regulations)

Date: June 6, 2012

At its next meeting, the Plan Commission is scheduled to review the next draft chapter of the “Unified Development Ordinance” or “UDO”, Chapter 9 (Site Development Regulations). To assist the Plan Commission in its review of Chapter 9, I have summarized key provisions in this memorandum:

Chapter 9 General Use Regulations

9-9-1 Parking and Loading

This section contains the parking and loading regulations that are currently contained in various provisions of the zoning regulations. This new section will consolidate all parking and loading regulations in one place in the UDO.

Subsection A contains some general provisions about applying the parking and loading regulations to new uses, existing uses, and changes or expansions of existing uses. This section also provides that the regulations are minimum regulations and additional parking and loading in excess of the requirements is allowed.

Subsection B includes regulations specific to parking, including location, design, and required number of spaces. For example, all new parking lots must be paved and graded to ensure proper drainage. Currently, the zoning code parking regulations only apply to parking lots of 5 spaces or more – the plan commission may want to discuss whether these regulations should apply to all parking lots.

Table 1 includes the minimum dimension requirements for parking spaces. The zoning code contains a graphic which will be included in an appendix.

June 6, 2012

Page 2

For ease in administering the required space requirements, all of these requirements have been put into chart form in subsection 3. The requirements have not changed, although some uses have been consolidated where the number requirements are the same.

A new subsection 4 provides that when a structure is approved but the use is still unidentified, the maximum number of spaces that might conceivably be required will need to be provided.

Subsection 6 replaces the current “handicapped parking” requirements with a reference to state statute, since this requirement is subject to modification over time.

Subsection 8 is a new “land banking” requirement that would allow the village to approve a reduction in the required parking provided that a plan is submitted and a covenant signed to provide parking in the future should it be necessary.

Subsection C contains the loading regulations, including design, size, access, surface, and grading/drainage requirements. Subsection 5 contains current language that leaves the number of required loading spaces to the discretion of the Zoning Administrator. The Plan Commission may want to discuss whether it would be beneficial to provide specific standards.

9-9-2 Signs

Currently, the village’s sign regulations are contained in the village code, outside of the zoning code. In establishing a Unified Development Ordinance, the intent is to compile all of the village’s “development” regulations into one code, including sign regulations.

Subsection B contains the current definitions as a placeholder until Chapter 12 has been completed, which will include all definitions for the UDO.

Subsection C includes sign permit requirements that will be incorporated into Chapter 11, the administrative regulations. However, they are currently included here as a placeholder so the Plan Commission can review the current permit requirements.

Subsection D contains the variation regulations for signs. Currently, the village has in place a separate variation procedure for signs than for all other zoning variances. The plan commission may want to discuss whether it desires to retain this procedure (which requires all sign variations to go directly to the Village Board) or whether signs will follow the zoning variance procedure (requiring ZBA hearing and recommendation, then Village Board final action).

Subsections E-M contain the substantive sign regulations. The sign regulations were recently amended to address certain statutory requirements for political signs, as well as to modify and amend various other sign regulations to better reflect current policies of the village. These recent changes are included in this section.

June 6, 2012

Page 3

One new addition to the sign regulations is to address “LED signs” or digital signs. Under current regulations, these signs would be prohibited as moving/animated signs. I have added a new provision to allow these signs in the business districts, subject to very specific standards and restrictions. The Plan Commission may want to consider whether these can be allowed “by-right” subject to these restrictions or whether it wants to require a special use permit before one of these LED signs would be permitted.

Subsection N adds a new paragraph 2 concerning sign packages. This new section would allow the village to approve a comprehensive sign package for a development or property that would supersede the code regulations for as long as the sign package approval is valid. This approval could be through an annexation agreement or PUD or other ordinance or agreement. This provides more flexibility to the village and a developer to have all signs approved in one package, which also assists in administration and enforcement.

9-9-3 Fences

This section contains the fence regulations that are currently contained in various provisions of the zoning regulations and in the village code. This new section will consolidate all of these various regulations in one place in the UDO. Except for consolidating and reorganizing the regulations, the substantive requirements remain the same.

9-9-4 Landscaping and Trees

This section contains the landscaping and tree preservation regulations that are currently contained in various provisions of the zoning regulations. This new section will consolidate all of these various regulations in one place in the UDO. Except for consolidating and reorganizing the regulations, the substantive requirements remain the same. Staff is currently reviewing the species and other substantive regulations to determine whether they need to be updated to reflect current landscaping and tree practices.

9-9-5 Exterior Lighting

Currently, the Village does not have specific regulations for exterior lighting, except for a brief paragraph in each of the zoning district regulations that restricts the foot candle illumination adjacent to residential and institutional properties to 2 foot candles. This particular 2 foot candle regulation has been retained, but we have added a few additional regulations regarding glare, heat, hazardous lighting have been added. Also, a section giving discretion to the Zoning Administrator to require a lighting plan has been added to paragraph 7.

The Plan Commission may want to discuss whether specific standards for foot candle illumination should be adopted that differ depending on the adjacent zoning district. Currently, no foot candle limitations exist for adjacent property that is not residential or institutional.

Julie will be at the Plan Commission meeting on June 13, 2012 to discuss this Chapter.

CHAPTER 9

SITE DEVELOPMENT REGULATIONS

9-9-1 PARKING AND LOADING

A. General Requirements for Parking and Loading Facilities.

1. Applicability to Existing, New, and Expanded Uses.
 - a. General Applicability. Except as expressly provided otherwise in this code, the provisions of this section shall apply to all existing and new uses, in accordance with the provisions of this code.
 - b. Increase in Use Intensity. Whenever the intensity of use of any structure or use is increased through the addition of floor area, dwelling units, seating capacity, or other units of measurement specified in this code for required parking and loading spaces, parking and loading spaces as required by this code shall be provided for the increase in intensity of use.
 - c. Change in Existing Use. Whenever a use existing on the effective date of this code is changed to a new use, parking and loading spaces shall be provided as required for the new use; provided, however, that when any existing use was deficient in required parking or loading spaces on the effective date of this code, the new use may be established with a deficiency in required parking or loading spaces equal to the pre-existing deficiency.
2. Existing Parking and Loading Facilities. Off-street parking and loading facilities in existence on the effective date of this code and located on the same zoning lot as the structure or use to which the parking or loading serves, shall not be reduced (or if already less than required, shall not be further reduced) below the requirements for a comparable new building, structure, or use under this code.
3. Duty to Provide. It is the joint and several responsibility of the operator, tenant, and owner of the building, structure, or premises for which off-street parking is required to provide and maintain the required parking facilities.
4. Minimum Requirements. Nothing in this section shall be construed to limit the right of any person to provide off-street parking and loading in excess of the requirements established by this code but all such parking and loading must comply with the standards of this section.

5. Storage and Repair. Unless otherwise specified in this code, off-street parking and loading facilities shall not be used for the sale, display, storage, repair, dismantling, or servicing of any vehicles, equipment, materials, goods, or supplies, except that emergency service required to start vehicles is permitted.
 6. Approval. The arrangement, access, surfacing, drainage, screening, landscaping, and illumination of all off-street parking and loading facilities shall be subject to the review and approval of the Zoning Administrator.
- B. Parking. Subject to the limitations of this section, off-street parking is permitted as an accessory use in all districts. Off-street parking is permitted as a principal use only when expressly authorized by the applicable district regulations.
1. Location of Required Parking Spaces.
 - a. Parking spaces required by this section must be located on the same zoning lot as the building, structure, or use to which they are accessory; provided, however, that the Village Board may, by covenant or other agreement, allow all or part of the required off-street parking for a particular building, structure, or use to be located on a lot other than the zoning lot on which the building, structure, or use to which the parking is accessory is located.
 - c. Off-street parking may be located in a required yard subject to section _____ of this code.
 - d. Except as otherwise provided in the Old Town District, all attached or detached single family dwelling units shall include an attached two-car garage measuring no less than 22 feet deep by 20 feet wide. The garage shall be completed prior to occupancy of the dwelling unit and be constructed of exterior materials equal to that applied to the face of the dwelling unit. A garage shall be defined as an enclosed structure composed of a concrete floor, roof, and three enclosed walls plus a door large enough to provide entrance and exit of two motor vehicles from or onto a driveway.
 2. Design and Maintenance. Every parking garage, area, lot, and structure [consisting of more than 5 spaces] shall be designed, constructed, and maintained in accordance with the applicable standards and requirements herein set forth:
 - a. Surface. All new parking lots shall be constructed with a paved surface.

- b. Drainage. All off-street parking areas shall be graded to ensure proper drainage.
- c. Design.
- i. Access to street. All parking garages, areas, lots, and structures shall be so located and designed as to provide access to adjacent streets with the least interference with vehicular traffic movements.
 - ii. Ingress/Egress. Except in a residential district, each parking garage, area, lot, or structure shall be designed to avoid the backing of vehicles over a sidewalk or into a public street. [NEW]
 - iii. Curbing and Wheel Stops. All off-street parking facilities shall be provided with curbs, wheel stops, or bumper guards around the perimeter of all parking areas, including landscaped areas located within the parking lot.
 - iv. Circulation Aisles. Each parking space in a parking lot, except spaces accessory to a single family dwelling, shall be accessed by a circulation aisle of a width, in feet and inches, as specified in Table 1 below.
 - v. Space Dimensions. Each off-street parking space, excluding its associated circulation aisle, shall have the minimum dimensions, in feet and inches, set forth in Table 1 below. Each parking space shall have a vertical clearance of at least 7 feet, 6 inches.

TABLE 1: Parking Module Dimensions (See Graphic in Appendix)

Angle (in degrees)	Minimum Stall Width (A)	Vehicle Projection (B)	Aisle Width (C)	Module Width (D)	Interlock Reduction (E)	Bumper Overhang (F)
30	9.0'	17.0'	12.0'	46.0'	2.7'	1.8'
45	9.0'	17.5'	13.0'	48.0'	2.0'	2.0'
50	9.0'	18.0'	14.0'	50.0'	1.8'	2.1'
55	9.0'	18.5'	14.5'	51.5'	1.6'	2.2'
60	9.0'	19.0'	16.0'	54.0'	1.3'	2.3'

65	9.0'	19.0'	16.5'	54.5'	1.2'	2.3'
70	9.0'	19.5'	17.5'	56.5'	1.0'	2.4'
75	9.0'	19.0'	19.0'	57.0'	0.7'	2.5'
90	9.0'	18.5'	24.0	61.0'	--	2.7'
Parallel	9.0'	23.0'	12.0'	30.0'	--	--

- d. Screening. All parking lots and garages must comply with the screening and landscaping regulations set forth in section 9-9-4 of this code.
- e. Lighting. All exterior lighting of parking spaces and areas must comply with the lighting regulations set forth in section 9-9-5 of this code.
- f. Maintenance. All parking garages, areas, lots, and structures shall be properly maintained at all times.

3. Required Spaces.

USE	REQUIRED SPACES
a. Residential Uses	
Single Family Dwelling	2 spaces per dwelling unit
Multiple Family Dwelling	2 spaces per dwelling unit, plus one guest parking space for each 20 required parking spaces
Religious Residences	1 parking space for each 1,000 square feet of net floor area
b. Assembly and Institutional Uses	
Assembly Uses, including religious facilities, amusement, cultural, recreational, and entertainment uses, and clubs, lodges, and fraternal organizations	1 for each 3 persons, based on maximum capacity
Colleges, Universities, Trade Schools and Vocational Schools	1 for each 3 students, based on maximum student capacity, plus 2 spaces for each 3 employees
Elementary and Junior High Schools	2 parking spaces for each classroom, unless parking for a place of assembly that is equal to or exceeds classroom requirement is provided
High School	1 parking space for every 3 students, based on maximum student capacity, plus 2 spaces for each classroom, unless parking for a

	place of assembly that is equal to or exceeds classroom requirement is provided
Theaters	1 parking space for each 4 seats
c. Health, Medical, and Care Facilities	
Nursing homes and convalescent centers	1 for every 4 beds, plus 2 spaces for each 3 employees
Health Treatment Centers	6 parking spaces for every 1,000 square feet of net floor area
Hospitals	1 parking space for each 2 beds, plus 2 spaces for every 3 employees
Medical Offices and Laboratories	6 parking spaces for every 1,000 square feet of net floor area
Nursery Schools and Day Care Centers	3 parking spaces for every 1,000 square feet of floor area
d. Retail and Service Uses	
All retail and service uses not otherwise listed below	6 parking space for every 1,000 square feet of net floor area
Appliance and Furniture Stores	1 parking space for every 250 square feet of net floor area
Auto Repair and Body Shop	4 parking spaces for each service bay, plus 1 space for each employee
Automobile Service Station	2 parking spaces for each island of pumps, plus 4 spaces for each service bay, plus 1 space for each employee
Automobile Sales	6 parking spaces for each 1,000 square feet of net showroom floor area, plus 1 space for each employee, plus 3 spaces for each service bay
Banks and other Financial Institutions	6 parking spaces for every 1,000 square feet of net floor area, plus 6 stacking spaces for each drive-through window up to a maximum of 20 stacking spaces
Bars and Taverns	18 parking spaces for each 1,000 square feet of net floor area
Restaurants, sit down (with or without carry-out)	18 parking spaces for each 1,000 square feet of net floor area
Restaurants, carry-out only	8 parking spaces for each 1,000 square feet of net floor area
Car Wash	1 parking space for each employee, plus 6 stacking spaces

Drive-Through Establishment	6 stacking spaces for each drive-through window or facility up to a maximum of 20 stacking spaces
Hotels and motels	1 parking space for each lodging room, plus 1 additional space for each employee. Additional parking spaces are required for other facilities, such as bars and restaurants
Funeral Homes	1 parking space for every 50 square feet of net floor area
e. Office and Professional Uses	
Professional offices less than 50,00 square feet of net floor area	6 parking spaces for each 1,000 square feet of net floor area for the first 4,000 square feet, and 4 spaces for each 1,000 square feet of net floor area thereafter
Professional offices 50,00 square feet of net floor area and larger	4 parking spaces for each 1,000 square feet of net floor area
f. Industrial and Manufacturing Uses	
Manufacturing, Processing, Assembly, and Packaging	2 parking spaces for each 1,000 square feet of net floor area
Warehousing and Distribution	1 parking space for each 1,000 square feet of net floor area
g. Other Uses Not Specifically Listed	Parking spaces shall be provided on the same basis as required for the most similar use, as determined by the Zoning Administrator

4. Unspecified Uses. When the ultimate use of a structure is not known, the maximum number of spaces that might be required for any use to which the structure might reasonably be devoted shall be provided. [NEW]
5. Computation of Required Spaces.
 - a. Fractional Spaces. When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction of one-half or less may be disregarded and any fraction in excess of one-half shall require one additional parking space.

- b. Capacity Calculations. When parking spaces are required on the basis of capacity, capacity shall be determined based on the occupancy standards established by the Village building code.
 - c. Population Calculations. When parking spaces are required on the basis of the number of customers, employees, students, or similar measure, the maximum number for which the structure is designed shall govern, except that when the structure has no design capacity the maximum number present at any one time shall govern.
- 6. Disabled Parking. Disabled parking spaces shall be provided in accordance with state requirements.
- 7. Collective Provision of Parking Facilities. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces provided is not less than the sum of the separate requirements for each use; provided that all regulations governing location of parking spaces are observed. Further, no parking space or portion thereof shall serve as the required space for more than one use unless specifically authorized in accordance with this code.
- 8. Landbanking Authorized. Notwithstanding any other provision of this section, the Village Board may reduce the total number of off-street parking spaces required to be provided subject to acceptance by the property owner of the following conditions: [NEW]
 - a. Termination of Landbanking. The Village Board shall have the right, in its sole and absolute discretion, to require the property owner or his or her successor at any time to increase the number of parking spaces provided to serve the development up to the maximum required for the property in question as if landbanking had been granted.
 - b. Alternate Plans Required. Every application to allow landbanking of required parking spaces shall be accompanied by alternate detailed parking plans. One plan shall show the full number of parking spaces required pursuant to this section; the other plan shall show the landscaping treatment of areas proposed to be reserved for future parking requirements. Both such plans shall show the location on the site of all parking areas, the exact number of parking spaces to be provided, and complete details for 1) markings, 2) curbing, 3) surfacing, 4) screening and landscaping, 5) lighting, 6) signing, and 7) access. The design plans for such parking areas shall be subject to the approval of the Village Board.

- c. Open Space Covenant. As a condition of granting a landbank, the applicant shall file with the Village Board the applicant's unconditional agreement and covenant in form and substance satisfactory to the Village Attorney that areas reserved for future parking shall be maintained as landscaped open space until and unless required to be used for off-street parking; or until such covenant is released by the Village Board. The agreement and covenant shall be recorded with the Recorder of Deeds.

C. Loading.

1. Purpose. Subject to the limitations of this section, off-street loading is permitted as an accessory use in all districts other than residential districts.
2. General Requirements.
 - a. Location. All loading berths (docks) shall be located on the same zoning lot as the use served and may be located inside or outside the building served. Loading berths may be located in a required yard subject to section ____ of this code.
 - b. Design. All loading berths and loading areas shall be designed so that no portion of a vehicle shall project a street, access drive or aisle, parking area, or walkway while loading or unloading.
 - c. Size. Unless otherwise specified in this code, all off-street loading berths shall be at least 12 feet in width by at least 50 feet in length, exclusive of aisle and maneuvering space, and have a vertical clearance of at least 15 feet.
 - d. Screening. Loading berths shall be screened from view from any public or private street or from any adjacent property. Screening materials will consist of landscaping, walls, berms, or any other permanent material that will provide continuous screening throughout the entire year.
 - e. Access. Each required loading berth shall be served by appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movements.
 - f. Surface. Every loading space shall be surfaced with an all-weather, heavy-duty, and dustless surface approved by the Village, and maintained at all times free of trash and debris.

- g. Grading and Draining. All loading facilities shall be graded and drained to dispose of water accumulation by means of a storm water drainage system approved by the Village.
 - h. Space Allocated. Space allocated to a required loading berth shall not be used to satisfy any requirements of the zoning code for off-street parking spaces.
 - i. Maintenance. All off-street loading facilities shall be continually maintained in a state of good repair.
3. Change of Use. Whenever the existing use of a building, structure, or premises shall hereafter be changed to a new use, loading facilities shall be provided as required for such new use.
 4. Change of Intensity of Use. When the intensity of use of any building, structure, or premises shall be increased through the addition of gross floor area, such additional loading facilities as required shall be provided.
 5. Required Number of Off-Street Loading Berths. All buildings, structures, and uses shall provide adequate off-street loading facilities, as determined by the zoning administrator. [CONSIDER SPECIFIC STANDARDS IN CHART FORM SUCH AS BELOW?]

<u>Use and Building Floor Area</u>	<u>Number of Spaces</u>
Retail Uses:	
Office Uses	
Industrial and Warehouse Uses:	

6. Calculating the Number of Berths. Square footages which produce a fraction less than one-half ($\frac{1}{2}$) will not be required to add one additional berth. All fractions over one-half ($\frac{1}{2}$) will be required to provide the additional berth.
7. Optional Berths. Owners and/or operators may install more loading berths than required by the minimum standard, providing all regulations of this code are met.

9-9-2 SIGNS

- A. Intent and Purpose. Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the village without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein. Accordingly, it is the intention of this title to establish regulations governing the display of signs that will:
1. Promote and protect the public health, safety, comfort, morals and convenience.
 2. Enhance the economy and the business and industry of the village by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public.
 3. Restrict signs and lights which overload the public capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision.
 4. Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.
- B. Definitions. [PLACEHOLDER - INCORPORATE INTO CHAPTER 12]
1. Awning: A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building.
 2. Banner: A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations; provided, that such flags, emblems and insignia are displayed for noncommercial purposes.
 3. Building Official: The building official of the village of Gilberts, Illinois.
 4. Business Sign: A sign which directs attention to a business, profession, activity, commodity, service, or entertainment conducted, sold, or offered upon the premises where such sign is located, or within the building to which such sign is affixed.

5. Canopy: A structure, other than an awning, made of cloth, metal, or other material with frames affixed to a building and carried by a frame which is supported by the ground.
6. Construction Sign: A sign identifying individuals or companies involved in design, construction, wrecking, financing, or development when placed upon the premises where work is under construction, but only for the duration of construction or wrecking.
7. Curb Level: The level of the established curb in the front of a building or other structure measured at the center of such front. Where no curb elevation has been established, the mean elevation of the centerline of the street fronting the building or structure shall be considered "curb level".
8. Directional Sign: A sign providing no advertising of any kind which provides direction or instruction to guide persons to facilities intended to serve the public including, but not specifically limited to, those signs identifying restrooms, public telephones, public walkways, parking areas, and other similar facilities.
9. Directory Sign: A sign which indicates the name and/or address of the occupant, the address of the premises, and/or identification of any legal business or occupation which may exist at the premises.
10. Existing Permanent Sign: A permanent sign displayed in the village on and after the effective date hereof.
11. External Illumination: Illumination of a sign which is affected by an artificial source of light which is not contained within the sign itself.
12. Flashing Sign: An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purpose of this title, any moving illuminated sign affected by intermittent lighting shall be deemed to be a "flashing sign".
13. Grade: The average level of the finished surface of the ground adjacent to a sign or the exterior wall of the building to which a sign is affixed.
14. Gross Surface Area: The entire area within a single continuous perimeter composed of a single rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, together with any material, or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included

in "gross surface area"; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total "gross surface area" of the sign.

15. Ground Sign: A sign supported by structures or supports or upon the ground and not attached or dependent for support from any building.
16. Illuminated Sign: A sign in which an artificial source of light is used in connection with the display of such sign.
17. Instructional Sign: A sign providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public including, but not specifically limited to, those signs identifying restrooms, public telephones, public walkway, parking areas, and other similar facilities.
18. Internal Illumination: Illumination of a sign which is affected by an artificial source of light which is contained within the sign itself.
19. Item of Information: A word, an abbreviation, a number, a symbol, or a geometric shape contained in a sign. A sign which combines several different geometric shapes, or shapes of unusual configuration, is assessed one "item of information" for each noncontinuous plane.
20. Light Emitting Diode (LED). [NEW] A sign utilizing technology of diode arranged in pixels to create messages changeable by electronic means. These signs shall include other similar signs such as liquid crystal display signs, fiber optic signs, plasma display screen signs, incandescent signs, or any such signs using similar technologies.
21. Marquee: A permanent, roof like structure extending from part of the wall of a building but not supported by the ground and constructed of durable material such as metal or glass.
22. Monument Sign: A sign with a base larger or equal to the size of the sign. The base of the sign is masonry construction (all masonry signs are allowed). The sign is directly attached to the masonry base.
23. Moving Sign: A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic electronically controlled copy changes, but not including flags, banners or pennants, except for digital signs.
24. Neon or Gas Tube Illumination: Illumination effected by a light source consisting of a neon or other gas tube which is bent to form letters,

symbols or other shapes. When calculating sign area for a building which includes neon tubing used to outline an entire building, area of a wall, window area or roofline, the neon tubing shall be calculated at an equivalency of one linear foot of neon tubing equals one square foot of sign area that counts toward the maximum signage allowed on a particular building.

25. Nonconforming Sign: A sign which does not adhere to one or more of the provisions contained in this title.
26. Off Premises Sign: A sign which directs attention to a business, profession, activity, commodity, service, or entertainment other than one conducted, sold, or offered upon the premises where such sign is located, or within the building to which such sign is affixed.
27. Open Sign: A sign in which the area exposed to wind is less than seventy percent (70%) of such sign's aggregate gross surface area.
28. Political Sign: A temporary sign identifying a political candidate, issue, or party.
29. Portable Sign: A sign not permanently affixed to the ground, a building, or other structure, which may be moved from place to place.
30. Principal Building: The main or principal building located upon a single zoning lot; the building in which the principal use of the premises is conducted.
31. Projected Illumination Sign: A sign in which the light source is projected onto the wall of a building or other surface.
32. Projecting Sign: A sign which is affixed to a building or wall and extends beyond the face of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed by more than sixteen inches (16").
33. Real Estate Sign: A sign which is used to offer for sale, lease, or rent the premises upon which such sign is placed.
34. Roof Sign: A sign erected or maintained in whole or in part upon, against, or directly above the roof or parapet line of a building.
35. Shopping Center: A commercial development under unified control consisting of four (4) or more separate commercial establishments sharing a common building, entranceway, or parking area.

36. Sign: Any identification, description, illustration, or device, illuminated or nonilluminated, which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, flag, banner, pennant, or placard designed to advertise, identify, or convey information.
37. Solid Sign: A sign in which the area exposed to wind is seventy percent (70%) or more of such sign's aggregate gross surface area.
38. Temporary Sign: A nonpermanent sign erected, affixed, or maintained on a premises for a short, usually fixed, period of time. The fixed period of time is thirty (30) days with one extension per year, with a maximum allowable duration of sixty (60) days in any calendar year.
39. Wall Sign: A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached or supported.
40. Warning Sign: A sign, containing no advertising material, warning the public of the existence of danger.
41. Window Sign: A sign attached to, placed upon, or painted on the interior of a window or door of a building which is intended for viewing from the exterior of such building.
42. Zoning Lot: A designated parcel, tract, or area of land, established by plat, subdivision or otherwise, permitted by law to be used, developed or built upon as a single unit under single ownership or control.

C. Permit Requirements. [PLACEHOLDER – INCORPORATE INTO CH. 11]

1. Permit Required; Exceptions. Except for the following, no person may erect, alter, or relocate within the village any sign without first obtaining a sign permit from the building official and paying the required permit fee:
 - a. Exempt signs as specified in subsection I.
 - b. Temporary political, real estate, and other so identified signs as specified in subsection J.
 - c. Routine maintenance or changing of the parts or copy of a sign; provided, that the maintenance or change of parts or copy does not alter the surface area, height, number of items of

information displayed, or otherwise render the sign nonconforming.

2. Application For Permit. Applications for sign permits shall be submitted to the building official and shall contain or have attached thereto the following information:
 - a. The names, addresses, and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, the owner of the sign and the person to be erecting or affixing the sign.
 - b. The location of the building, structure, or zoning lot on which the sign is to be erected or affixed.
 - c. A site plan of the property involved, showing accurate placement thereon of the proposed sign.
 - d. Two (2) blueprints or ink drawings, not greater than twenty four inches by thirty six inches (24" x 36") in size, of the plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, materials, color, and weight.
 - e. If required by the building official, a copy of stress sheets and calculations prepared by or approved by a registered structural engineer licensed by the state of Illinois showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this title and all other applicable code sections and ordinances of the village.
 - f. The written consent of the owner of the building, structure, or property on which the sign is to be erected or affixed.
 - g. Such other information as the building official may require to determine full compliance with this code and other applicable ordinances of the village.
3. Permit Fees. Permit fees for signs regulated by this title shall be those as specified in subsection _____ of this code.
4. Issuance Of Permit. Upon the filing of an application for a sign permit, the building official shall examine the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed. If it appears that the proposed sign is in compliance with all the requirements of this title and other applicable

code sections and in conformance with the zoning code and other ordinances of the village, and if the appropriate permit fee has been paid, the building official shall issue a permit for the proposed sign.

5. Time For Completion Of Work; Extensions. If the work authorized under a sign permit has not been completed within ninety (90) days after the date of issuance, the permit shall become null and void unless otherwise extended by the building official for a single additional ninety (90) day period.
6. Revocation Of Permit. All rights and privileges acquired under the provisions of this section are mere licenses and, as such, are at any time revocable for just cause by the village board. All permits issued pursuant to this section are hereby subject to this subsection.

D. Variations. [PLACEHOLDER – INCORPORATE INTO CH. 11 OR CONSIDER USING EXISTING VARIATION PROCEDURES?]

1. Intent. It is the intent of this title to use variations only to modify the application of this title to achieve a parity among signs similarly located and classified. Specifically, variations are to be used to overcome some exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent an owner from displaying his/her sign as intended by this title. Such practical difficulty must be clearly exhibited and must be a result of an external influence; it may not be self-imposed.
2. Petition For Variation.
 - a. A petition for a variation from any provision of this title may be made by any person having a proprietary interest in the sign for which such variation is requested.
 - b. A variation request shall be addressed to the village board, shall be filed in writing with the village clerk and shall include the following information:
 - (1) The names, addresses, and telephone numbers of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
 - (2) A description of the requested variation.
 - (3) Justification of the requested variation.

- (4) The location of the building, structure, or zoning lot on which the sign is to be erected or affixed.
- (5) A site plan of the property involved, showing accurate placement thereon of the proposed sign.
- (6) A blueprint or ink drawing of the plans, not greater than twenty four inches by thirty six inches (24" x 36") in size, and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, materials, color, and weight.
- (7) The written consent of the owner of the building, structure, or property on which the sign is to be erected or affixed.
- (8) Such other information as the sign variation committee may require to determine full compliance with this code and other applicable ordinances of the village.
- (9) Each variation request to the village board shall be accompanied by the applicable fee as specified in subsection _____ of this code to be paid at the time of filing of the variation request.

3. Public Hearing.

- a. Timing: The village board shall hold a public hearing on a variation request within sixty (60) days of its completed written filing.
- b. Attendance: The petitioner and village clerk and/or their authorized representatives shall attend those meetings of the village board at which a variation is to be heard.

4. Standards For Variations. A variation may be granted when it shall be determined from evidence presented to the village board that the variation will not merely serve as a convenience to the petitioner but is necessary to alleviate some demonstrable hardship or unusual practical difficulty and that the granting of the variation will not in any way be inconsistent with the intent, purpose, and objectives of this title.

5. Village Board Determination.

- a. Within thirty (30) days after the public hearing concerning a variation, the village board, upon the majority vote of its entire membership, shall grant, deny, wholly or in part, or modify said variation request as it determines appropriate and, to that end, shall have all the powers of the officer from which the requested variation was taken.
 - b. No requested variation which has been denied wholly or in part by the village board in accordance with the provisions established herein may be resubmitted for a period of one year from the date of said denial, except on grounds of new evidence or proof of changed conditions found to be valid by the village board.
6. Village Board Revocation. In any case where a variation has been granted, and where no work pertinent thereto has been initiated within one calendar year from the date of village board approval of the requested variation, then, without further action by either the sign variation committee or the village board, said variation shall become null and void.
7. Records. The village clerk shall maintain complete records of all findings of fact and all determinations of the village board relative to a requested variation. All such records shall be open to the public for inspection.

E

Basis of Regulations.

1. The display of signs in the village is hereby regulated on the basis of the following factors:
 - a. The type of activity displaying the sign; and
 - b. The following four (4) design features:
 - (1) The type of sign;
 - (2) The area of the sign;
 - (3) The height of the sign; and
 - (4) The location of the sign.
2. In addition, certain signs and certain activities are regulated on the basis of additional factors as set forth in this title.

- F. Illumination. The illumination of signs must comply with the following:
1. Electrical Permit Required. In addition to complying with the provisions of this title, all signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of the village electrical code.
 2. Illumination Of Buildings, Structures And Areas.
 - a. The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, to illuminate buildings, structures, outdoor sales areas, or outdoor storage areas is prohibited, except:
 - (1) During the month of December for areas in which Christmas trees are offered for sale;
 - (2) On a temporary basis for areas in which carnivals, fairs, or other similar activities are held; and
 - (3) On a temporary basis as otherwise determined appropriate by the village board of trustees.
 - b. A building or other structure may be illuminated, but all lighting used for this purpose must be designed, located, shielded, and directed in such a manner that the light source is fixed and not directly visible from any adjacent publicly dedicated roadway and surrounding property.
 3. Brightness. In no instance shall the lighting intensity of any sign, whether resulting from internal illumination or external illumination, exceed seventy five (75) foot-candles when measured with a standard light meter perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign.
 4. Glare. All signs shall be so designed, located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property.
 5. External Illumination. All illumination on a sign shall be from an internal source. The use of projectors or other equipment to externally illuminate the structure is not allowed.
- G. Construction Specifications. All permanent signs permitted by this title shall be constructed in accordance with the provisions of this section.

1. Compliance With Applicable Codes. In addition to complying with the provisions of this title, all signs shall be constructed in accordance with the applicable provisions of the village building code and electrical code.
2. Auxiliary Specifications. All signs permitted by this title shall be constructed in accordance with the following provisions:
 - a. Obstruction Of Exits. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.
 - b. Obstruction Of Ventilation. No sign shall be erected, constructed, or maintained so as to interfere with any opening required for ventilation.
 - c. Clearance From Electrical Power Lines And Communication Lines. All signs shall be located in such a way that they maintain horizontal and vertical clearance of all electrical power lines and communication lines in accordance with the applicable provisions of the village electrical code. However, in no instance shall a sign be erected or constructed within eight feet (8') of any electrical power line, conductor, or service drop or any communication line, conductor, or service drop.
 - d. Clearance From Surface And Underground Facilities. All signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. In addition, the placement of all signs and their supporting structures shall not interfere with natural or artificial drainage or surface or underground water.
 - e. Obstruction To Existing Or Instructional Signs. No sign shall be erected, constructed, or maintained so as to interfere with any existing warning or instructional sign.
3. Wind Loads. All signs, except those attached flat against the wall of a building, shall be constructed to withstand minimum wind loads as follows:
 - a. Solid signs. Thirty (30) pounds per square foot per face of the sign.
 - b. Open signs. Thirty six (36) pounds per square foot of the total face area of the letters and other sign surfaces, or ten (10)

pounds per square foot of the gross surface area of the sign, whichever is greater.

H. Prohibited Signs. The following signs are hereby expressly prohibited for erection, construction, repair, alteration, or relocation within the village, except as otherwise permitted in this title:

1. A-Frame Or Sandwich Board Signs. A-frame or sandwich board and sidewalk or curb signs, except as a temporary sign, as provided in subsection J.
2. Banners, Pennants And Inflatable Signs. Banners, pennants, streamers, inflatable signs, balloons, and other gas filled figures, except as a temporary sign, as provided in subsection J.
3. Billboards And Other Off Premises Signs. Billboards and other off premises signs, except as a temporary sign, as provided in subsection J.
4. Moving And Flashing Signs. Signs which flash, revolve, rotate, swing, undulate, or otherwise attract attention through the movement or flashing of parts, including automatic electronically controlled copy changes, or through the impression of movement or flashing, except for:
 - a. That portion of those signs indicating the time and/or temperature and signs fully located within an enclosed building and are not observable from the exterior of such building; and
 - b. Except as a temporary sign, as provided in subsection J.
 - c. LED signs.
5. Portable And Wheeled Signs. Portable and wheeled signs, except as a temporary sign, as provided in subsection J.
6. Projecting Signs. Signs which are attached or otherwise affixed to a building and project more than sixteen inches (16") beyond the wall surface of such building to which the sign is attached or otherwise affixed thereto.
7. Pylon Signs. Signs which are mounted on top of a single or of multiple poles.
8. Roof Signs. Signs on roofs.

9. Signs On Parked Vehicles. Signs placed on or affixed to vehicles and/or trailers which are parked on a public right of way, public property, or private property so as to be visible from a public right of way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.
 10. Signs On Tree. Signs which are attached or otherwise affixed to trees or other living vegetation.
 11. Painted Signs. Signs painted on an exterior wall, fascia, parapet, or a chimney of a building or on a fence.
 12. Signs With Inaccurate Information. Signs which contain untruthful or misleading information.
 13. Signs Interfering With Traffic Or Imitating Traffic Control Devices. Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.
- I. Exempt Signs. The following signs are hereby exempt from the provisions of this title, excepting for such instances where any sign listed herein is found to be unsafe or unlawful:
1. Signs On Vehicles. Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer. However, this is not in any way intended to permit signs placed on or affixed to vehicles and/or trailers which are parked on a public right of way, public property, or private property as to be visible from a public right of way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.
 2. Awning, Canopy, And Marquee Signs. Signs, not exceeding an aggregate gross surface area of two (2) square feet, indicating only the name of the activity conducted on the premises on which the sign is to be located and/or a brief generic description of the business being conducted by the activity. Advertising material of any kind is strictly prohibited on signs affixed to awnings, canopies, and marquees. Awning, canopy, and marquee signs exceeding four (4) square feet in aggregate gross surface area shall be allowed only as specified in this section.

3. Directional Or Instructional Signs. Signs, not exceeding two feet (2') in aggregate gross surface area, which provide direction or instruction to guide persons to facilities intended to serve the public; provided, that such signs contain no advertising of any kind, with a maximum of two (2) directional or instructional signs per building or per tenant space. Such signs include those identifying restrooms, public telephones, public walkways, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility but not including those signs accessory to parking areas. Advertising material of any kind is strictly prohibited on directional and instructional signs.
4. Flags. Flags, emblems, and insignia of political, professional, religious, educational, or corporate organizations; provided, that such flags, emblems, and insignia are displayed for noncommercial purposes.
5. Governmental Signs. Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger and aid to service or safety which are erected by, or at the order of, a public officer or employee in the performance of the officer's or employee's duties.
6. Holiday Decorations. Signs or other materials temporarily displayed on recognized civic, patriotic, or religious holidays displayed no more than thirty (30) days after the holiday.
7. Interior Signs. Signs which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby, court, or entrance of any theater which are intended solely for information relating to the interior operation of the building in which they are located.
8. Memorial Signs. Memorial plaques or tablets, grave markers, statuary, or other remembrances of persons or events that are noncommercial in nature.
9. Name And Address Plates: Signs, not exceeding two (2) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of four (4) square feet, indicating the name of the occupant, the address of the premises, and identification of any legal business or operation which may exist at the premises.
10. No Trespassing, No Dumping, No Parking, Towing, And Other Similar Signs: No trespassing, no dumping, no parking, towing and other

similar signs (as set forth by the current regulations of the Illinois commerce commission), not exceeding two (2) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of four (4) square feet and not exceeding two (2) in number per zoning lot in residential areas, not exceeding four (4) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of eight (8) square feet and not exceeding four (4) in number per zoning lot in nonresidential areas. However, under proven special circumstances, the building official may permit additional such signs if determined to be warranted.

11. Parking Lot Directional And Instructional Signs.

- a. Directional Signs. Signs designating parking area entrances and exits limited to one sign for each entrance and/or exit and not exceeding four (4) square feet in gross surface area for each exposed face. Parking lot directional signs shall not project higher than five feet (5'), as measured from the established grade of the parking area to which such signs are accessory.
- b. Instructional Signs. Signs designating the conditions of use or identity of parking areas and not exceeding nine (9) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of sixteen feet (16'). Parking lot instructional signs shall not project higher than ten feet (10') for wall signs and seven feet (7') for ground signs, as measured from the established grade of the parking areas(s) to which such signs are accessory.
- c. Obstructing View Prohibited. Parking lot signage shall not obstruct the line of sight for vehicles entering and exiting a parking lot or area and/or entering a public street.

12. Public Notices. Official notices posted by public officers or employees in the performance of the officers' or employees' duties.

13. Public Signs. Signs required by governmental bodies or specifically authorized for a public purpose by any law, statute, or ordinance. Such public signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.

14. Symbols Or Insignia. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two (2) square feet in gross surface area for each exposed face nor exceeding four (4) square feet in aggregate gross surface area.

15. Vending Machine Signs. Permanent, nonflashing signs on vending machines, gasoline pumps, ice or milk containers, or other similar machines indicating only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use, and other similar information, not exceeding four (4) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of eight (8) square feet.
 16. Warning Signs. Signs warning the public of the existence of danger but containing no advertising material; to be removed within three (3) days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.
- J. Temporary Signs. Temporary signs may be erected and maintained in the village only in accordance with the provisions contained in this section:
1. Permit Required; Conditions.
 - a. No person shall erect, construct, repair, alter, or relocate within the village any temporary sign, except temporary political and real estate signs, without first obtaining a permit from the building official.
 - b. The building official shall impose, as a condition of the issuance of a permit for temporary signs, such requirements as to the material, manner of construction, and method of erection of a sign as are reasonably necessary to assure the health, safety, welfare, and convenience of the public.
 2. Illumination. Temporary signs may be illuminated in compliance with the requirements of this title.
 3. Permitted Temporary Signs. Temporary signs shall be limited to nonprojecting wall signs, attached ground signs, or portable and wheeled signs as defined herein.
 4. Prohibited In Shopping Centers. Temporary signs shall not be permitted in shopping centers.
 5. Temporary Business Signs. Temporary business signs identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

- a. Number: There shall not be more than two (2) permits for temporary business signs issued for the same premises within one calendar year.
 - b. Area:
 - (1) Residential Areas: In residential areas, temporary business signs shall not exceed four (4) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of eight (8) square feet.
 - (2) Nonresidential Areas: In nonresidential areas, temporary business signs shall not exceed thirty two (32) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of sixty four (64) square feet.
 - c. Location: Temporary business signs shall be located only upon the zoning lot upon which the special, unique, or limited activity, service, project, or sale is to occur. Such signs shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway. Temporary signs shall not obstruct the line of sight for any vehicle.
 - d. Height:
 - (1) Residential Areas: In residential areas, temporary business signs shall not project higher than seven feet (7'), as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.
 - (2) Nonresidential Areas: In nonresidential areas, temporary business signs shall not project higher than fifteen feet (15'), as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.
 - e. Timing: Temporary business signs shall be erected and maintained for a period not to exceed thirty (30) days, and shall be removed within three (3) days of the termination of the activity, service, project, or sale.
6. Temporary Construction Signs. Temporary construction signs identifying the parties involved in the construction to occur or occurring

on the premises on which the sign is placed shall be subject to the following:

- a. Number: There shall not be more than one temporary construction sign for each project or development; except, that where a project or development abuts two (2) or more streets, additional such signs, one oriented to each abutting street, shall be permitted.
- b. Area:
 - (1) Residential Areas: In residential areas, temporary construction signs shall not exceed fifty (50) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of one hundred (100) square feet.
 - (2) Nonresidential Areas: In nonresidential areas, temporary construction signs shall not exceed seventy five (75) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of one hundred fifty (150) square feet.
- c. Location: Temporary construction signs shall be located only upon the premises upon which construction either is about to occur or is occurring. Such signs shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway.
- d. Height: Temporary construction signs shall not project higher than fifteen feet (15'), as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.
- e. Special Conditions:
 - (1) Accessory Use: Temporary construction signs shall be permitted only as accessory to an approved building permit for a project or development.
 - (2) Timing: Temporary construction signs may be erected and maintained for a period not to exceed sixty (60) days prior to the commencement of construction and shall be removed within fourteen (14) days of the termination of construction of the project or development.

7. Temporary Event Signs. Temporary event signs announcing a drive, activity, or event of a civic, philanthropic, educational, or religious organization for noncommercial purposes shall be subject to the following:
 - a. Number, Area, Height And Location:
 - (1) The permitted number, area, height, location, and construction of temporary event signs shall be determined by the building official with consideration given to the public safety and the signage reasonably necessary and appropriate for the intended purpose.
 - (2) Any temporary event sign which is permitted by the building official to extend over or onto a public right of way shall be erected and maintained in such a manner as to not interfere or obstruct access, activity, or vision along any such public right of way.
 - b. Special Conditions:
 - (1) Timing: Temporary event signs may be erected and maintained for a period not to exceed thirty (30) days prior to the date on which the campaign, drive, activity, or event advertised is scheduled to occur and shall be removed within three (3) days of the termination of such campaign, drive, activity or event.
 - (2) Limit On Number Of Permits: No more than two (2) permits for temporary event signs shall be issued for the same premises within one calendar year.
8. Temporary Political Signs. Temporary political signs announcing political candidates seeking public office, political parties, and/or political and public issues contained on a ballot shall be subject to the following:
 - a. Number:
 - (1) Private Property: There shall be no limit on the number of temporary political signs for each zoning lot, provided all such signs meet the area, location, height, and other regulations contained in this section.
 - (2) Public Right Of Way: There shall be no political signs placed in the public right of way. All removed signs shall be discarded by the public works department and shall

not be returned to the owner, candidate, or political party.

- (3) Other: There shall be no political signs attached to telephone poles, utility poles, other permanent signs or fences. All removed signs shall be discarded by the public works department and shall not be returned to the owner, candidate, or political party.

b. Additional Private Property Restrictions:

- (1) Area: Temporary political signs are permitted on private property; provided however, that all temporary political signs on a private lot shall not exceed an aggregate total gross surface area of sixty four (64) square feet and in no event shall any temporary political sign exceed four feet (4') in height or eight feet (8') in width.
- (2) Location: The temporary political signs may be located in any required yard. The signs shall not block the sidewalk or the line of sight at any intersection.
- (3) Height: Temporary political signs shall not project higher than fifteen feet (15'), as measured from the base of sign or grade of the nearest adjacent roadway, whichever is higher.

9. Temporary Real Estate Signs. Temporary real estate signs advertising the sale, lease, or rent of the premises upon which such sign is located shall be subject to the following:

- a. Number: There shall not be more than one temporary real estate sign for each zoning lot; except, that where a lot abuts two (2) or more streets, additional signs, one oriented to each abutting street, shall be permitted.
- b. Area:
 - (1) Residential Areas: In all residential areas, temporary real estate signs shall not exceed four (4) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of eight (8) square feet.
 - (2) Nonresidential Areas: In nonresidential areas, temporary real estate signs shall not exceed seventy

five (75) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of one hundred fifty (150) square feet.

- c. Location: Temporary real estate signs shall be located only upon the premises for sale, lease, or rent. Such signs may be located in any required yard but shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway.
 - d. Height: Temporary real estate signs shall not project higher than fifteen feet (15'), as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.
 - e. Time For Removal: Temporary real estate signs shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.
- K. Permitted Signs for Residential Uses. For all residential uses, only the following signs are hereby permitted and then only if accessory and incidental to a permitted or special use:
- 1. Building Name And Address Signs. Name and address signs of buildings containing six (6) or more residential units indicating only the name of the building, the name of the development in which it is located, the management thereof, and/or address of the premises shall be subject to the following:
 - a. Type: Building name and address signs may be monument signs.
 - b. Number: There shall not be more than one name and address sign for each building; except, that where a building abuts two (2) or more streets, additional such signs, one oriented to each abutting street, shall be permitted.
 - c. Area: Building name and address signs shall not exceed six (6) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of twelve (12) square feet.
 - d. Location: Building name and address signs shall not be located closer than one-half ($1/2$) the minimum setback required for the zoning district in which the sign is to be erected or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway. The location and arrangement of all building

name and address signs shall be subject to the review and approval of the building official.

- e. Height: Building name and address signs shall not project higher than seven feet (7') as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.

2. Residential Development Signs. Residential development signs indicating only the name of the development, the management or developer thereof, and/or the address or location of the development shall be subject to the following:

- a. Type: All residential development signs shall be monument signs.
- b. Number: There shall not be more than two (2) residential development signs for each point of vehicular access to a development.
- c. Area: Residential development signs shall not exceed fifty (50) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface of one hundred (100) square feet.
- d. Location: Residential development signs shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the building official.
- e. Height: Residential development signs shall not project higher than seven feet (7'), as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.

3. Exempt Signs. Exempt signs are as specified in subsection I.

4. Temporary Signs. Temporary signs are as specified in subsection J.

L. Permitted Signs for Commercial Uses. For all commercial uses, only the following signs are hereby permitted and then only accessory and incidental to a permitted or special use:

1. Commercial Use Signs. Commercial use signs shall be subject to the following:

a. Wall Signs:

- (1) Number: There shall be not more than one wall sign for each tenant; except, that where the building abuts two (2) or more streets, additional such signs, one oriented to each abutting street, shall be permitted.
- (2) Area:
 - (A) The gross surface area of a wall sign shall not exceed three (3) times the linear frontage of the tenant space on which the sign is installed nor the following maximum surface area, whichever is less:
 - (i) Eighty (80) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is less than one hundred feet (100').
 - (ii) One hundred twenty (120) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is one hundred feet (100') or more but less than two hundred feet (200').
 - (iii) Two hundred forty (240) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is two hundred feet (200') or more but less than four hundred feet (400').
 - (iv) Four hundred (400) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is four hundred feet (400') or more.
 - (B) Consists only of individual, outlined alphabetic, numeric, and/or symbolic characters without background except that provided by the building surface to which the sign is to be affixed; and

(C) If illuminated, such illumination is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting but not any lighting where the light source is visible or exposed on the face or sides of the characters.

(3) Location: A wall sign may be located on the outermost wall of any principal building but shall not project more than sixteen inches (16") from the wall to which the sign is to be affixed. The location and arrangement of all wall signs shall be subject to the review and approval of the building official.

(4) Height: A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or twenty feet (20'), as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.

b. Monument Signs:

(1) Type: The only type of ground sign allowed is a monument sign.

(2) Number: There shall not be more than one monument sign for each principal building.

(3) Specifications: The base of all monument signs shall be two feet (2') in height and the base and columns constructed of masonry to match the building.

(4) Location: A monument sign shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway.

(5) Height: A monument sign shall not project higher than eight feet (8'), as measured from the top of the base.

(6) Length: The maximum length of the message area on a monument sign shall be ten feet (10'), and the maximum length of the monument sign inclusive of columns or side supports shall not exceed fourteen feet (14') in length.

c. Awning, Canopy And Marquee Signs:

(1) Number:

- (A) There shall not be more than one awning, canopy, or marquee sign exceeding an aggregate gross surface area of four (4) square feet for each principal building. Awning, canopy, and marquee signs which are four (4) square feet or less in aggregate gross surface area are exempt from the provisions of this title.
 - (B) This sign is not allowed if there is a wall sign.
- (2) Area: The gross surface area of an awning, canopy or marquee sign shall not exceed fifty percent (50%) of the gross surface area of the smallest face of the awning, canopy, or marquee to which such sign is to be affixed.
- (3) Location: A sign may be affixed to or located upon any awning, canopy, or marquee. The location and arrangement of all such signs shall be subject to the review and approval of the building official.
- (4) Height: An awning, canopy, or marquee sign shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.
- d. Window Signs: Window signs which are on the interior of the window shall not cover more than fifty percent (50%) of the window surface area.
- 2. Shopping Center Signs. Shopping center signs shall be subject to the following:
 - a. Wall Signs:
 - (1) Number: There shall not be more than one wall sign for each tenant or use contained in a shopping center; except, that where a tenant or use abuts two (2) or more streets, additional such signs, one oriented to each abutting street, shall be permitted.
 - (2) Area:
 - (A) The gross surface area of a wall sign shall not exceed three (3) times the linear frontage of the tenant space on which the sign is installed nor the following maximum surface area, whichever is less:

- (ii) Eighty (80) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is less than one hundred feet (100').
 - (iii) One hundred twenty (120) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is one hundred feet (100') or more but less than two hundred feet (200').
 - (iii) Two hundred forty (240) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is two hundred feet (200') or more but less than four hundred feet (400').
 - (iv) Four hundred (400) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is four hundred feet (400') or more.
- (B) If such wall consists only of individual, outlined, alphabetic, numeric, and/or symbolic characters without background except that provided by the building surface to which the sign is to be affixed; and if illuminated, such illumination is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting but not any lighting where the light source is visible or exposed on the face or sides of the characters; or
- (C) When all wall signs located in the shopping center utilize lettering and background uniform in style and coloring.
- (3) Location: A wall sign may be located on the outermost wall of any principal building but shall not project more than sixteen inches (16") from the wall to which the sign is to be affixed. The location and arrangement of all wall signs shall be subject to the review and approval of the building official.

- (4) Height: A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or twenty feet (20'), as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.

b. Monument Signs:

- (1) Type: The only type of ground sign allowed is a monument sign.
- (2) Number: There shall not be more than one monument sign for each principal building.
- (3) Specifications: The base of all monument signs shall be two feet (2') in height and the base and columns constructed of masonry to match the building.
- (4) Location: A monument sign shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway.
- (5) Height: A monument sign shall not project higher than eight feet (8'), as measured from the top of the base specified in subsection B2c of this section.
- (6) Length: The maximum length of the message area on a monument sign shall be ten feet (10'), and the maximum length of the monument sign inclusive of columns or side supports shall not exceed fourteen feet (14') in length.
- (7) Directory Signs: Each shopping center monument sign may include, affixed directly thereto, a directory indicating only the names of the tenants of the shopping center in which the sign is to be located. The gross surface area of the directory sign shall not exceed sixty (60) square feet for each exposed face nor exceed an aggregate gross surface area of twenty (20) square feet for each tenant located in the shopping center in which the sign is to be located. The information displayed by a shopping center directory sign, which is in compliance with the requirements of this subsection, shall not be treated as items of information.

c. Awning, Canopy And Marquee Signs:

- (1) Number:
 - (A) There shall not be more than one awning, canopy, or marquee sign exceeding an aggregate gross surface area of four (4) square feet for each principal building. Awning, canopy, and marquee signs which are four (4) square feet or less in aggregate gross surface area are exempt from the provisions of this title.
 - (B) An awning, canopy or marquee sign is not allowed if there is a wall sign.
 - (2) Area: The gross surface area of an awning, canopy, or marquee sign shall not exceed fifty percent (50%) of the gross surface area of the smallest face of the awning, canopy, or marquee to which such sign is to be affixed.
 - (3) Location: A sign may be affixed to or located upon any awning, canopy or marquee. The location and arrangement of all such signs shall be subject to the review and approval of the building official.
 - (4) Height: An awning, canopy, or marquee sign shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.
3. Automobile Dealership Signs. Specific signage requirements for automobile dealership signs will be determined concurrent with their special use permit application.
4. Automobile Service Station Signs. Automobile service station signs shall be subject to the following:
- a. Wall Signs:
 - (1) Number: There shall be not more than one wall sign for each tenant; except, that where the building abuts two (2) or more streets, additional such signs, one oriented to each abutting street, shall be permitted.
 - (2) Area:
 - (A) The gross surface area of a wall sign shall not exceed three (3) times the linear frontage of the tenant space on which the sign is installed nor

the following maximum surface area, whichever is less:

- (i) Eighty (80) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is less than one hundred feet (100').
 - (ii) One hundred twenty (120) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is one hundred feet (100') or more but less than two hundred feet (200').
 - (iii) Two hundred forty (240) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is two hundred feet (200') or more but less than four hundred feet (400').
 - (iv) Four hundred (400) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is four hundred feet (400') or more.
- (B) Consists only of individual, outlined, alphabetic, numeric, and/or symbolic characters without background except that provided by the building surface to which the sign is to be affixed; and
 - (C) If illuminated, such illumination is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.
- (3) Location: A wall sign may be located on the outermost wall of any principal building but shall not project more than sixteen inches (16") from the wall to which the sign is to be affixed. The location and arrangement of all wall signs shall be subject to the review and approval of the building official.

- (4) Height: A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or twenty feet (20'), as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.

b. Monument Signs:

- (1) Type: The only type of ground sign allowed is a monument sign.
- (2) Number: There shall not be more than one monument sign for each principal building.
- (3) Specifications: The base of all monument signs shall be two feet (2') in height and the base and columns constructed of masonry to match the building.
- (4) Location: A monument sign shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway.
- (5) Height: A monument sign shall not project higher than eight feet (8'), as measured from the top of the base.
- (6) Length: The maximum length of the message area on a monument sign shall be ten feet (10'), and the maximum length of the monument sign inclusive of columns or side supports shall not exceed fourteen feet (14') in length.

c. Awning, Canopy And Marquee Signs:

- (1) Number:
 - (A) There shall not be more than one awning, canopy, or marquee sign exceeding an aggregate gross surface area of four (4) square feet for each principal building. Awning, canopy, and marquee signs which are four (4) square feet or less in aggregate gross surface area are exempt from the provisions of this title.
 - (B) An awning, canopy, or marquee sign is not allowed if there is a wall sign.

- (2) Area: The gross surface area of an awning, canopy or marquee sign shall not exceed fifty percent (50%) of the gross surface area of the smallest face of the awning, canopy, or marquee to which such sign is to be affixed.
 - (3) Location: A sign may be affixed to or located upon any awning, canopy, or marquee. The location and arrangement of all such signs shall be subject to the review and approval of the building official.
 - (4) Height: An awning, canopy, or marquee sign shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.
- d. Service Bay Identification Signs: Service bay identification signs providing direction or instruction to persons using the facility and containing no advertising material of any kind shall be subject to the following:
- (1) Type: All service bay identification signs shall be wall signs.
 - (2) Number: There shall not be more than one service bay identification sign for each service bay located on the premises.
 - (3) Area: The gross surface area of a service bay identification sign shall not exceed ten (10) square feet.
 - (4) Location: A service bay identification sign may be located on the outermost wall of any principal building adjacent to a service bay entrance but shall not project more than sixteen inches (16") from the wall to which the sign is to be affixed. The location and arrangement of all service bay identification signs shall be subject to the review and approval of the building official.
 - (5) Height: A service bay identification sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or twenty feet (20'), as measured from the base of the building to which the sign is to be affixed, whichever is lower.
 - (6) Special Conditions: The information displayed by a service bay identification sign which is in compliance with the requirements of this subsection shall not be treated as items of information.

e. **Service Island Identification Signs:** Service island identification signs indicating the type of service offered, the price of gasoline, and other relevant information or direction to persons using the facility but containing no advertising material of any kind shall be subject to the following:

- (1) **Type:** All service island identification signs may be either wall signs or ground signs.
- (2) **Number:** There shall not be more than one service island identification sign for each service or pump island located on the premises.
- (3) **Area:** The gross surface area of a service island identification sign shall not exceed six (6) square feet for each exposed face nor exceed an aggregate gross surface area of twelve (12) square feet.
- (4) **Location:** Service island identification signs may be located on the outermost wall of any principal building or in any required yard. The location and arrangement of all service island identification signs shall be subject to the review and approval of the building official.
- (5) **Height:** A service island identification sign shall not project higher than fifteen feet (15'), as measured from the base of the sign or building to which the sign is to be affixed or the grade of the nearest adjacent roadway, whichever is lower.
- (6) **Special Conditions:** The information displayed by a service island identification sign which is in compliance with the requirements of this subsection shall not be treated as items of information.

5. **Exempt Signs.** Exempt signs are as specified in subsection I.

6. **Temporary Signs.** Temporary signs are as specified in subsection J.

7. **Light Emitting Diode (LED) Sign Regulations.** [NEW] Light Emitting Diode (LED) signs shall be permitted under the following conditions:

- a. Signs shall only be permitted in the [LIST DISTRICTS] [subject to a special use permit issued pursuant to section _____ of this code,] except messages that display fuel prices, which may be permitted in any zoning district where a fuel station is permitted.

- b. Only one sign shall be permitted on each zoning or shopping center lot.
- c. Signs shall only be allowed as a freestanding ground sign and shall not be in addition to the number of allowed freestanding signs.
- d. No sign shall be located within 100 feet of a residential use. No sign shall be located within 400 feet of another LED sign on the same side of the street. No sign shall be located within 200 feet of another LED sign on the opposite side of the street.
- e. Signs shall only display promotional messages of a good or service that is being offered at the place of business on the particular zoning lot that the sign is located, with the exception of advertisements for community events.
- f. Animated signs, sign that change image signs, video signs or tri-vision signs shall be prohibited. Movement, including flashing, scrolling or rotating so as to draw attention is prohibited. Each message must be static or depicted for a minimum of ten seconds.
- g. The message area shall not have an undue brightness, which shall be defined as 5,000 nits during the day and 500 nits at night. The owner/user shall reduce the level of brightness if determined by the Village that the light levels exceed the levels specified. The sign shall be programmed to dim and brighten automatically in response to changes in ambient light. Prior to issuance of a permit for the sign, the applicant shall provide written certification from the sign manufacturer or installer that the light intensity has been factory preset not to exceed the levels specified above. The sign shall be controlled electronically by a computer or other similar device that has a manual override. The sign shall either freeze or go blank in the event of a malfunction.
- h. Electronic messages shall be turned off at all times when the business or use that it serves is closed, except LED signs that display fuel prices.
- i. Fuel prices on signs at gas stations may be displayed in electronic numbers in lieu of changeable copy numbers. Signs used to display fuel prices shall be for the exclusive use of the display of fuel prices and may not display any other type of message or advertisement. Signs that display fuel prices may not change until a change in the price of fuel has occurred. The

fuel price displayed on an electronic message board sign shall not scroll, move or flash and must be static.

M

Permitted Signs for Office, Industrial and Institutional Uses. For all office, industrial and institutional uses, only the following signs are hereby permitted and then only if accessory and incidental to a permitted or special use:

1. Office, Industrial And Institutional Use Signs. Office, industrial and institutional use signs shall be subject to the following:

a. Wall Signs:

(1) Number: There shall be not more than one wall sign for each tenant; except, that where the building abuts two (2) or more streets, additional such signs, one oriented to each abutting street, shall be permitted.

(2) Area:

(A) The gross surface area of a wall sign shall not exceed three (3) times the linear frontage of the tenant space on which the sign is installed nor the following maximum surface area, whichever is less:

(i) Eighty (80) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is less than one hundred feet (100').

(ii) One hundred twenty (120) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is one hundred feet (100') or more but less than two hundred feet (200').

(iii) Two hundred forty (240) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is two hundred feet (200') or more but less than four hundred feet (400').

- (iv) Four hundred (400) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is four hundred feet (400') or more.
 - (B) Consists only of individual, outlined, alphabetic, numeric, and/or symbolic characters without background except that provided by the building surface to which the sign is to be affixed; and
 - (C) If illuminated, such illumination is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.
 - (3) Location: A wall sign may be located on the outermost wall of any principal building but shall not project more than sixteen inches (16") from the wall to which the sign is to be affixed. The location and arrangement of all wall signs shall be subject to the review and approval of the building official.
 - (4) Height: A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or twenty feet (20'), as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.
 - (5) Special Conditions: Where a principal building is devoted to two (2) or more permitted uses, the operator of each such use may install a wall sign upon his/her proportionate share of the building wall. The maximum gross surface area of said sign shall be determined by calculating the proportionate building wall, including doors and windows, to which affixed and applying such proportion to the aggregate gross surface area for the building.
- b. Monument Signs:
- (1) Type: The only type of ground sign allowed is a monument sign.
 - (2) Number: There shall not be more than one monument sign for each principal building.

- (3) Specifications: The base of all monument signs shall be two feet (2') in height and the base and columns constructed of masonry to match the building.
- (4) Location: A monument sign shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway.
- (5) Height: A monument sign shall not project higher than eight feet (8'), as measured from the top of the base specified in subsection A2c of this section.
- (6) Length: The maximum length of the message area on a monument sign shall be ten feet (10'), and the maximum length of the monument sign inclusive of columns or side supports shall not exceed fourteen feet (14') in length.

c. Awning, Canopy And Marquee Signs:

- (1) Number:
 - (A) There shall not be more than one awning, canopy, or marquee sign exceeding an aggregate gross surface area of four (4) square feet for each principal building. Awning, canopy, and marquee signs which are four (4) square feet or less in aggregate gross surface area are exempt from the provisions of this title.
 - (B) An awning, canopy, or marquee sign is not allowed if there is a wall sign.
- (2) Area: The gross surface area of an awning, canopy or marquee sign shall not exceed fifty percent (50%) of the gross surface area of the smallest face of the awning, canopy, or marquee to which such sign is to be affixed.
- (3) Location: A sign may be affixed to or located upon any awning, canopy, or marquee. The location and arrangement of all such signs shall be subject to the review and approval of the building official.
- (4) Height: An awning, canopy, or marquee sign shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.

2. Office And Industrial Park Signs. Office and industrial park signs indicating only the name of the park, the manager of the park or of the developer thereof, and/or the address or location of the park shall be subject to the following:
 - a. Type: The only type of ground sign allowed is a monument sign.
 - b. Number: There shall not be more than one monument sign for each principal building.
 - c. Base Specifications: The base of all monument signs shall be two feet (2') in height and constructed of brick to match the building.
 - d. Location: A monument sign shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway.
 - e. Height: A monument sign shall not project higher than eight feet (8'), as measured from the base of the sign or grade of the nearest adjacent roadway or the average grade within thirty feet (30'), whichever is lower.
3. Directory Signs. Directory signs indicating only the names of the occupants of the premises on which the sign is to be located but containing no advertising material of any kind shall be subject to the following:
 - a. Type: Directory signs may be either wall signs or ground signs.
 - b. Number: There shall not be more than one directory sign for each office, industrial, and institutional building or complex under unified control consisting of two (2) or more occupants. Directory signs shall not be permitted for single occupant office, industrial, and institutional buildings and complexes.
 - c. Area: The aggregate gross surface area of a directory sign shall not exceed five (5) square feet for each occupant located in the building or complex.
 - d. Location: A directory sign may be located in any required yard but shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway.

- e. Height: A directory sign shall not project higher than ten feet (10'), as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is lower.

4. Institutional Attraction Boards. Attraction boards displayed by civic, philanthropic, educational, and religious organizations identifying activities, events, and services involving the organization occupying the premises on which the attraction board is to be erected and containing no commercial advertising material of any kind shall be subject to the following:

- a. Type: Institutional attraction boards may be either ground signs or wall signs.
- b. Number: There shall not be more than one institutional attraction board for each principal building.
- c. Area: The gross surface area of an institutional attraction board shall not exceed fifty (50) square feet for each exposed face nor exceed an aggregate gross surface area of one hundred (100) square feet.
- d. Location: An institutional attraction board may be located in any required yard but shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from any zoning lot to a public roadway.
- e. Height: An institutional attraction board shall not project higher than fifteen feet (15'), as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.
- f. Items Of Information: The information displayed by an institutional attraction board which is in compliance with the requirements of this subsection shall not be treated as items of information.

5. Exempt Signs. Exempt signs are as specified in subsection I.

6. Temporary Signs. Temporary signs are as specified in subsection J.

N. Special Regulations.

- 1. Special District Regulations. The village board may, from time to time, establish sign regulations separate from the provisions of this title for a designated area of the village. Such districts shall be contiguous, of substantial size, and possess certain unique characteristics, as determined by the village board, to warrant sign regulations which

differ from one or more of the provisions of this title. A map defining the district and special regulations, which may modify certain defined provisions of this title, will, upon approval by the village board, be made an attachment to this title. If, and to the extent that, special district regulations are approved by the village board, such regulations shall be observed by the persons affected in lieu of compliance with the affected provisions of this title. However, those provisions of this title which are not affected by the special district sign regulations shall continue to apply in the designated special district. Nothing in this section or elsewhere in this title shall prevent the establishment of special district sign regulations which are more stringent than those set forth in this title. No special district sign regulations shall be approved by the village board unless the regulations are binding upon all persons and property located in the designated area to which the regulations are intended to apply.

2. Sign Packages. The village board may, from time to time, approve special sign regulations for a particular development or property as part of a comprehensive sign package approved pursuant to an annexation agreement, planned unit development, or other ordinance or agreement. The provisions of any such approved sign package shall supersede and control over the sign regulations contained in this section where they vary for the effective period of the sign package approval. As part of the approval of a sign package, the village board is authorized to modify the provisions of the sign regulations contained in this section where the village board determines that the modifications are in the best interest of the village and its residents.

- O. Nonconforming Signs. Nonconforming signs shall be subject to the regulations contained in section 9-10-6 of this code.

9-9-3

FENCES

- A. Permit Required. No person shall erect any fence, screen or wall on any property without first securing a permit from the village building official.
- B. Location.
 - 1. No fence shall be erected on any property which shall extend beyond the front property line.
 - 2. No fence, wall, or other similar screening material shall be erected or maintained in any public right of way except those fences, walls, or other screening materials erected by a public body for public safety purposes.
 - 3. All fences must be constructed within the confines of the property for which the permit is sought.
 - 4. In no event shall any fence, wall, or other screening material be erected or maintained in any location near a public or private street, alley, driveway, or other means of ingress or egress that results in impairing the visibility of oncoming vehicular or pedestrian traffic.
 - 5. All fences shall be oriented with the finished side facing any public right-of-way.
- C. Height. Except as otherwise expressly provided by this code, no fence shall extend to more than five feet in height.
- D. Special Fence Regulations.
 - 1. Height Restrictions for Fences in Front Yards (other than corner yards).
 - a. Solid Fences, Walls, and other Solid Screening Materials. No solid fence, wall or other screening material in a front yard shall exceed three feet in height when located in a front yard.
 - b. Open Fences and Other Similar Screening Materials. No open fence or other similar screening material shall exceed four feet in height when located in a front yard.
 - 2. Patio Fences, Screens And Walls. In residential areas, a solid fence, screen or wall may be erected around the immediate boundaries of any patio for the purpose of securing privacy; provided, that such fence, screen or wall does not exceed seven feet in height and is located not less than three feet from the property line.

3. Special Regulations for Accessory Uses and Structures. Swimming pools, tennis courts, and antenna facilities shall comply with the special fence regulations and requirements contained in section 9-8-1 of this code.
4. Corner Yards. A fence, wall, or screen may not extend forward of any rear corner of the house but may be located in the rear yard, provided that the fence must be located within the lot lines of the property and:
 - a. If no sidewalk is present, the minimum distance from the inside edge of the curb, if any, otherwise the paved portion of the roadway, adjacent to the property to fence, shall be 15 feet.
 - b. If a sidewalk is present, the minimum distance from the sidewalk adjacent to the property to fence shall be five feet, or 15 feet from the inside edge of the curb, if any, otherwise 15 feet from the paved portion of the roadway, whichever is greater.
- E. Barbed Wire Fences. No person shall erect any fence along a street, alley or public place within the village in which barbed wire or any other sharp, pointed or dangerous material forms a part, without prior approval of the village board.
- F. Building Code Compliance. All fences shall comply with the village's building code regulations.
- G. Maintenance. All fences, walls, and similar screening materials shall be maintained in good condition.

9-9-4 LANDSCAPING AND TREES

A. Landscaping and Screening.

1. Purpose. The landscaping and screening requirements set forth in this section are intended to help preserve and protect the appearance, character, general health, well-being and safety of the Village by ensuring the compatibility of different land uses. Specifically, these regulations are intended to increase the compatibility of adjacent uses by requiring a buffer or screen between such uses so as to minimize the negative impacts of noise, dust, and other debris, unsightly views, motor vehicle headlight glare and the intrusion of other sources of artificial light.
2. Application. The landscaping and screening requirements set forth in this section shall apply to site plan review applications, special uses, planned unit developments and other new developments. Existing developments shall be exempt from these landscaping regulations unless a building or parking expansion or alteration is sought. The extent of landscaping required for a given site shall be proportionate to the size of the site and the extent of new development, or expansion of an existing building or parking area. For development activity involving improved property, such landscaping shall be required when the floor area of any existing building or structure, or parking areas, or any combination thereof, is increased as follows:
 - a. If the total of the existing area is increased ten (10) percent or less, no additional landscaping is required.
 - b. If the total of the existing area is increased more than ten (10) but less than fifty (50) percent, such landscaping is required for that portion of the lot which is faced by the expanded area(s).
 - c. If the total of the existing area is increased fifty (50) percent or more, such landscaping is required for the entire development.

The percentage of increase shall be calculated by combining all increases in interior floor area or parking area.

3. Authority. The landscape requirements set forth below shall be enforced by the building official, or his designee.
4. Acceptance of Landscape Plan.
 - a. Upon completion of the installation of landscaping on a development site, the building official or designated

representative shall inspect the site for conformance with the adopted landscape plan.

- b. The applicant must receive a sign-off on the installed landscape, in accordance with the approved landscape plan, from the building official prior to receipt of an occupancy permit.
- c. If inclement weather prohibits completion of the landscaping during a given planting season and prior to issuance of an occupancy permit a petitioner may post a bond or establish a cash escrow for the value of the outstanding plant material and cost of labor to install such landscaping. The bond or escrow shall be held by the Village until such planting is completed to the satisfaction of the building official.
- d. Upon completion of the landscaping the petitioner shall post a two year letter of credit in amount of 125 percent of the total cost of landscape material for the first year, following Village acceptance of the installed landscaping to guarantee the maintenance and replacement of planting and landscaping materials shown on the approved landscape plan. Said letter of credit may be reduced to 25 percent of the total costs in the second year. The two year letter of credit shall be based on costs determined by a nursery and approved by the building official.

5. Standards.

- a. Plant Variety. A minimum number of species of shade trees and a minimum number of species of shrubs may be required on each parcel in order to provide visual diversity, seasonal interest and to reduce the chance for extensive plant loss as a result of insect infestation and the spread of disease within a given species. The quantities of species shall be as follows:

<u>Size of Parcel</u> (acres)	<u>Quantity of Shade*</u> <u>Tree Species**</u>	<u>Quantity of</u> <u>Shrub Species</u>
0 up to but not including 1 acre.	Not Applicable	Not Applicable
1 up to but not including 5 (e.g., convenience food store or small office building)	3	3
5 up to but not		

including 15
(e.g., small strip
center or moderate
size office building)

4

5

15 up to but not
including 30
(e.g. major shopping center
with large food store as
primary anchor or large
office building complex)

5

7

*More species may be required by the village board for parcels over 30 acres.

**On a site where ornamental or evergreen trees are used these species would be in addition to the minimum number of shade trees required.

6. Landscape Plan Submittal Requirements

- a. Landscape plans shall be submitted and approved for all projects requiring landscape plan review.
- b. All residential developments shall require both a master landscape plan to be submitted for the entire site and a typical foundation landscape plan for each style of dwelling.

7. Elements of the Landscape Plan. All landscape plans shall include the following:

- a. North arrow and scale. The scale shall be a minimum of one (1) inch equals fifty (50) feet for site landscape plans and one (1) inch equals twenty (20) feet for typical foundation landscape plans for multi-family developments. The scale of the landscape plan and the engineering plan shall be the same.
- b. Date of preparation and revisions, and name of the preparer.
- c. Topographic information and proposed grades, including the location and contour lines, at one (1) foot intervals, of all proposed berms.
- d. Proposed and existing buildings, structures and pavements.
- e. Existing and proposed utilities, above and below the ground.
- f. Location, type, size, spacing, quantity and planting condition (balled and burlapped, bare root, etc.) of all proposed

landscape materials (including trees, shrubs, ground cover, bulbs, wildflowers, prairie plants and mulch quantity and depth).

- g. Common and botanical names of all proposed plant material.
 - h. Location, size and common and botanical name of existing vegetation to be preserved.
 - i. Symbols representing proposed plant material shall be drawn to scale showing the plants expected size five (5) years from the date of planting.
 - j. Landscape features including retaining walls, fences, site furniture, lights, and paving.
 - k. Ground signs and lights.
 - l. Refuse disposal areas location(s) and an elevation of the screen(s).
 - m. Landscaping of tot lots.
 - n. Elevations, cross-sections, and other details determined necessary by the building official.
8. Substitutions and changes. Once a landscape plan has been approved and a building permit issued, the building official may authorize minor revisions to the approved landscape plan including the substitution of equivalent plantings and ground covers where such revisions do not diminish the benefits of the approved landscape plan. As such, revisions must be made in writing and will require the written approval of the building official. A revision shall be considered minor when there is no reduction in the quality of plant material, no significant change in size or location of plant material, and substitute Plants are of the same category (i.e., shade trees, ornamental, evergreen trees, large or small shrubs, groundcover, etc.) and have the same general design characteristics (mature size, spread, density) as the materials being replaced.
9. Selection, Installation and Maintenance of Plant Materials
- a. Selection
 - (1) Planting materials used in conformance with this Section shall be of specimen quality, shall have been grown in the same hardiness zone as Northeastern

Illinois, and be capable of withstanding extremes of individual site microclimates.

- (2) Trees selected for planting shall be healthy, free of insects and diseases, and damage that would threaten the viability of the plant. Parkway trees and Parking lot trees shall have a minimum branching height of six (6) feet above the ground to allow adequate visual and physical clearance.
 - (3) All plant material shall comply with the provisions set forth by the American Standard for Nursery Stock, ANSI Z60.1-1980.
- b. Plant Sizes. Unless otherwise specified, the minimum size for plant materials shall be as follows:
- (1) Shade trees: three (3) inch caliper, measured six (6) inches above the ground
 - (2) Evergreen trees: six (6) feet in height
 - (3) Ornamental trees:
 - (a) Single trunk: two (2) inch caliper, measured six (6) inches above the ground
 - (b) Multi-trunk: six (6) feet in height
 - (4) Large shrubs: thirty-six (36) inches in height
 - (5) Small shrubs: twenty-four (24) inches in height
10. Installation. All landscaping shall be installed according to the following requirements:
- a. All plantings shall be installed in accordance with the I.D.O.T. Standard Specifications for Road and Bridge Construction, as amended from time-to-time.
 - b. Sodding. All unpaved areas in any development within a street right-of-way and all swales forming the drainage system for a parcel shall be sodded. All unpaved street right-of-way areas shall be sodded with a salt tolerant sod. In all commercial, office and industrial developments, a water supply for maintaining adequate moisture levels in the parkways shall be provided

within at least one hundred (100) feet of all points within the parkway. Upon recommendation of the village engineer, the village board may require additional sodding of a lot to prevent soil erosion and blockage of drainage systems.

- c. The planting season shall be approximately mid-March, or when the ground is thawed and workable, through approximately mid-November, or when the ground is frozen and unworkable. The unique transplanting characteristics of each plant shall be accounted for when planning planting times (e.g., evergreens transplant better in the fall than the spring).
- d. The branches of deciduous trees and shrubs may be selectively thinned by up to 1/3 at the time of planting, to reduce stress from transplanting, in accordance with good horticultural practice; however, in no case shall trimming result in reducing the overall height of the plant below that specified on the approved landscape plan.
- e. All trees and shrubs (excluding those on single-family lots) shall be mulched with a minimum four (4) inch depth of shredded hardwood bark or other mulch. All flower and groundcover beds shall be mulched with a minimum two (2) inch depth of shredded hardwood bark mulch or other mulch.
- f. Landscape materials shall be selected and located so as to avoid obstructing visual or physical access to fire hydrants. Trees shall not be located closer than ten (10) feet and shrubs shall not be located closer than five (5) feet to fire hydrants, transformers or other above ground utilities.
- g. All trees and shrubs shall be located in such a way that they do not obstruct views of vehicles and pedestrians at intersections, alleys, driveways, parking lots and sidewalks. In all cases trees shall be set back a minimum of ten (10) feet from the edge of driveways.

11. Maintenance. All landscaping shall be maintained as follows:

- a. Responsibility. Unless such responsibility is apportioned differently by agreement of the owner and tenants, the owner shall be responsible for the maintenance, repair, and replacement of all landscaping materials and barriers as may be required by the provisions of this section.

- b. Plant Material Maintenance. All plant materials shall be maintained in a healthy, vigorous growing condition, and neat and orderly appearance. Plants shall be replaced as, necessary, and shall be kept free of refuse and debris.
 - c. All common landscaped open space areas maintained as part of a planned development or commercial or industrial development, by either homeowners association or property owner, shall be maintained in accordance with an approved maintenance plan and schedule.
12. Penalty for Non-Compliance with Maintenance Standards. Property owners notified by the Village that their landscaping violates the provisions of this section shall be required to restore or replace the plant material within one growing season. Restoration or replacement of fences, walls and/or other barriers shall occur within nine months of notice by the Village. If the violation is not corrected within the given period of time, the property owner shall be subject to penalties as provided in this code.
13. Selection of Plant Material. Plant material should be selected for its form, texture, color, and concern for its ultimate size and shape. The use of the following trees shall be prohibited in the public right-of-way and/or within 15 feet of a lot line, and in a parking lot island or around the parking lot perimeter:
- (1) Ailanthus (Tree of Heaven)
 - (2) Box Elder
 - (3) Catalpa
 - (4) Cottonwood (however these are permitted along water edges)
 - (5) European Mountain Ash
 - (6) European White Birch
 - (7) Fruit-bearing Trees (excluding Crabapples)
 - (8) Lombard Poplar
 - (9) Mulberry
 - (10) Russian Olive
 - (11) Siberian Elm
 - (12) Silver Maple
 - (13) Walnut Willow (however these are permitted along water edges) Other weak-wooded, messy trees as determined by the building official
14. Shade Trees. Shade trees shall have a minimum caliper of three (3) inches at the time of planting, as measured six (6) inches above the ground.

15. Planting Trees Under Overhead Utility Wires. Plants located under overhead utility wires shall be selected for a mature height that is at least five (5) feet less than the height of the wires.
16. Energy Conservation. Deciduous trees are encouraged on the southwest and east sides of buildings to provide shade from the summer sun and evergreens are encouraged on the northwest-side of buildings to dissipate the effect of winter winds where practical.
17. Preservation of Existing Plants. Existing plant material and other landscape features of a quality and of a size as required by this section shall be incorporated into the landscape treatment of a site and be developed according to the requirements set forth in this ordinance for Existing Tree Preservation.
18. Berming. Earthen berms and existing topography should, wherever practical, be incorporated into the landscape treatment of a site. The maximum slope for any berm constructed on a site shall be 4 foot run: 1 foot rise.
19. Right-of-Way Landscaping.
 - a. Applicability. Where a parcel abuts a dedicated public right-of-way, landscaping shall be provided in accordance with the provisions of this Section.
 - b. Parkway Trees.
 - (1) Quantity. Trees shall be planted on a maximum forty (40) feet and a minimum twenty-five (25) feet spacing such that the total number of trees shall equal or exceed the ratio of one (1) for each thirty-five (35) feet of street frontage.
 - (2) Spacing. Trees shall be planted in the parkway along all streets no closer than ten (10) feet from driveways and forty (40) feet from the corner of an intersection as measured from the right-of-way lines extended. In addition, no trees shall be planted within ten (10) feet of a fire hydrant or other above-ground public utility.
 - (3) Exceptions. When conditions are such that the required spacing cannot be satisfied in the Parkway or, if in the opinion of the building official the Parkway is not wide enough to support tree growth, trees shall be planted

inside the sidewalk line, subject to approval by the subject property owner.

- (4) **Size.** Trees shall have a caliper of not less than three (3) inches as measured six (6) inches above the ground, up to and including four (4) inch caliper size, at twelve (12) inches above the ground for trees larger in size.
 - (5) **Prohibited Species.** Evergreen trees shall be prohibited in the public right-of-way.
20. **Sodding.** The unpaved portion of a public right-of-way abutting a parcel shall be sodded with a salt tolerant grass.
21. **Method to Determine Future Use of Vacant Land.** For the purposes of determining landscaping and buffering requirements of this Section, whenever a site is adjacent to or across from vacant or undeveloped agricultural land, the method to be used to determine the future use of vacant land shall be as follows:
- a. **Incorporated Lands.** The future use of land within the corporate limits of the Village of Gilberts shall be that as shown on the Village's official zoning map.
 - b. **Unincorporated Lands.** For properties not within the corporate limits of the Village of Gilberts, the future use of land shall be that as shown in the Village's Comprehensive Plan.
22. **Non-Residential Parking Lot Landscaping**
- a. **Perimeter Parking Lot Landscaping**
 - (1) **Curbing.** All parking lots shall have six (6) inch concrete curbs around the perimeter.
 - (2) **Front and Corner Side Yard Landscaping**
 - (a) **Across from Residential Property:** Where a parking lot is located across a dedicated public right-of-way from property zoned for residential use, a continuous hedge shall be provided across one hundred (100) percent of the parking lot perimeter, exclusive of driveways to a minimum height of three (3) feet. The shrubs shall be planted at a maximum of four (4) feet on center. The shrubs shall be approximately fifty

(50) percent evergreen and fifty (50) percent deciduous. In addition, a mix of shade, ornamental and evergreen trees shall be planted at the equivalent of one (1) every thirty-five (35) feet.

- (b) Across from Non-Residential Property: Where a Parking lot is located across a dedicated public right-of-way from property zoned for non-residential use, shrub clusters shall be provided across fifty (50) percent of the parking lot, exclusive of driveways to a minimum height of the three (3) feet. The shrubs shall be planted at a maximum of four (4) feet on center. In addition, a mix of shade trees, ornamental or evergreen trees shall be planted at the equivalent of one (1) every fifty (50) feet.

(3) Rear and Interior Side Yard Landscaping

- (a) Abutting Residential Property: Where a parking lot abuts a property zoned for residential use, continuous landscaping shall be provided across one hundred (200) percent of the parking lot to a minimum height of six (6) feet. plant material shall consist of approximately fifty (50) percent evergreen plants and fifty (50) percent deciduous material. Shrubs shall be spaced at a maximum of four (4) feet on center. A solid screen may be achieved by clustering shrubs beneath shade or ornamental trees, by using evergreen trees, or any mix thereof, or by providing a six (6) foot high solid commercial grade wood fence along the length of the property with shade trees inside the fence at the equivalent of one (1) tree every fifty (50) feet.
- (b) Abutting Non-Residential Property: Where a parking lot abuts a property zoned for non-residential use, landscaping shall be provided across fifty (50) percent of the parking lot. Such landscaping shall include shrub clusters to a minimum height of three (3) feet. The shrubs shall be Planted at a maximum of four (4) feet on center. In addition, a mix of shade trees, ornamental or evergreen trees, shall be planted

at the equivalent of one (1) every seventy (70) feet.

- (4) Sod, Seed and Ground Cover. Front and corner side yards shall be sodded or hydroseeded. Side and rear yards may be sodded or seeded.

23. Interior Parking Lot Landscaping.

a. Islands

- (1) The interior of parking lots shall be planted with shade trees at a ratio of one (1) tree for every ten (10) parking spaces or fraction thereof. The shade trees shall be evenly dispersed throughout the parking lot. No shade trees shall be required on islands containing a light pole, but in no event shall islands containing light poles be counted toward fulfilling the required number of landscaped islands in a given parking lot.
- (2) The minimum area of a landscaped island shall be equivalent to the square footage of one parking stall. These landscaped islands shall have a minimum width of eight (8) feet excluding curbs and shall be curbed with a six (6) inch wide barrier curb. Landscaped islands may be combined to create larger planting islands within parking lot.
- (3) The entire island shall be landscaped with live plant material, excluding mulch around the base of plants. Such live plant material may include small shrubs, flowers, groundcover or salt-tolerant sod. Seeding to establish turf in parking lot islands shall be prohibited. All plant material other than required shade trees shall be limited to a maximum mature height of two (2.) feet. Such plants shall be set back a minimum of two and one-half (2.5) feet from the curb to avoid damage from overhanging car fenders and doors.
- (4) Curbed planting islands shall be provided at the ends of each row of parking. These islands shall be equivalent to the square footage of one parking stall. These islands shall meet the same requirement as the other parking lot islands.

24. Residential Landscaping.

- a. Right-of-Way. The public right-of-way abutting single and multi-family residential uses shall be landscaped according to the requirements of this code.
- b. Single and Multi-Family Sod, Seed and Groundcover Requirements. All residential front and corner side yards shall be sodded or hydroseeded. Side and rear yards may be sodded or seeded.
- c. Multi-Family Perimeter.
 - (1) Front and corner Side Yards. The front and corner side yards of multi-family uses shall contain a minimum of one (1) shade tree per fifty (50) feet of street frontage.
 - (2) Interior Side and Rear Yards. The interior side and rear yards of multi-family uses shall contain a mix of shade, ornamental and evergreen trees with the equivalent of at least one (1) per fifty (50) feet and large shrubs to a minimum height of three (3) feet along at least thirty (30) percent of the yard. Shrubs shall be spaced at no more than four (4) feet on center. The trees and shrubs may be clustered.
- d. Multi-Family Patio Screening. In multi-family developments where two patios are adjacent to one another a hedge shall be provided along the common boundary of the two patios to a minimum height of three (3) feet. Such shrubs shall be selected for a mature height of at least six (6) feet.
- e. Multi-Family Driveway Plantings. In multi-family developments the lawn areas between driveways of adjacent buildings shall include a minimum of one (1) shade tree and a cluster of shrubs along at least fifty (50) percent of the length of the adjacent driveways, spaced at no more than four (4) feet on center. The shrubs shall have a minimum height of three (3) feet at the time of planting.
- f. Multi-Family Window to Window Views. Trees shall be required between multi-family buildings where two walls containing windows are opposite each other. A minimum of one tree (shade, ornamental or evergreen) shall be required in such locations, and shall be situated to maximize privacy for the adjacent dwellings. Trees should be selected for a mature height equal to at least the height of the dwelling.

25. Non-Residential Landscaping

- a. Right-of-Way. The public right-of-way abutting non-residential uses shall be landscaped according to the requirements of this code.
- b. Front and Corner Side Yard Landscaping
 - (1) Across from Residential Property: A mix of shade trees, ornamental or evergreen trees, shall be planted at the equivalent of at least one (1) every thirty-five (35) feet.
 - (2) Across from Non-Residential Property: A mix of shade trees, ornamental or evergreen trees shall be planted at the equivalent of one (1) every seventy (70) feet.
- c. Interior Side and Rear Yard Landscaping.
 - (1) Non-Residential Use Abutting a Non-Residential Use. Where a non-residential use abuts a nonresidential use shade trees shall be provided at a minimum of one (1) tree every seventy (70) feet. The trees may be clustered. In addition, shrubs shall be provided along at least thirty (30) percent of the length of the yard. The interior side and rear yards shall be sodded or seeded.
 - (2) Non-Residential Use Abutting a Residential Use: Where a non-residential use abuts a property zoned for a residential use, continuous landscaping shall be provided across one hundred (100) percent of the yard to a minimum height of six (6) feet. Plant material shall consist of approximately fifty (50) percent evergreen plants and fifty (50) percent deciduous material. Shrubs shall be spaced at a maximum of four (4) feet on center. A solid screen may be achieved by clustering shrubs beneath shade or ornamental trees, by using evergreen trees, or any mix thereof, or by providing a six (6) foot solid commercial grade wood fence along the length of the property with shade trees inside the fence at the equivalent of one (1) tree every fifty (50) feet.
- d. Sod, Seed, and Groundcover Requirements for All Yards. All non-residential front and corner side yards shall be sodded or hydroseeded. Side and rear yards may be sodded or seeded.

e. Building Foundations.

- (1) Foundation landscaping shall be provided on those sides of a building that faces a public right-of-way.
- (2) Foundation landscaping shall be located in a planting bed with a minimum width of five (5) feet adjacent to the building.
- (3) The required foundation landscaping area shall contain all live landscaping except for mulch used at the base of the plants. The landscaped area shall be free of all paving except where sidewalks and driveways which lead directly into the building are necessary for ingress and egress. In no case shall the foundation landscaping area be reduced to extend across less than fifty (50) percent of the building face due to said sidewalks or driveways.
- (4) The building foundation planting area shall contain one hundred (100) percent live landscaping except for mulch required at the base of the plants. At least fifty (50) percent of the foundation planting area shall contain shrubs and small trees. The balance of the planting area may contain any mix of groundcover, perennial flowers, bulbs, ornamental grasses or sod.
- (5) At the discretion of the building official, the required foundation landscaping may be relocated elsewhere on site or provided in an alternative manner, such as through the use of above ground planters or boxes.

f. Loading Docks, Service Yards and Exterior Work Areas Adjacent to Non-Industrial Uses. Service yards, loading docks and exterior work areas adjacent to non-industrial uses shall be screened from view. They shall also be screened from view from the public right-of-way. The screening shall consist of either of the following:

- (1) Solid board constructed of commercial-grade wood or masonry wall, of a design approved by the Village, with a minimum height of six (6) feet.
- (2) 100% landscaping consisting of at least 75% evergreen plant material, to a minimum height of six (6) feet.

- g. Open Storage Yards for Industrial Uses Adjacent to Non-Industrial Uses. Open storage yards at industrial sites adjacent to non-industrial sites shall be screened on all sides by solid walls or fences (including solid doors or gates) and shall be at least eight (8) feet tall, but in no case lower in height than the materials stored. If stored materials exceed eight (8) feet in height, then landscaping shall be provided along the outside perimeter of that portion of the fence or wall visible from the adjacent non-industrial site or public right-of-way. The landscaping shall be in addition to the fence or wall. The installed height of the landscaping shall be equal to or greater than the height of the materials being screened.

26. Miscellaneous Landscaping

- a. Retention and Detention Ponds
 - (1) Landscaping shall be provided around the perimeter of retention and detention ponds generally above the high water level. Only plants which are adapted to temporary flooding may be planted below high water level.
 - (2) Landscaping shall be provided along a minimum of 30% of the share line of a retention or detention area. Such landscaping shall consist of at least 50% shade trees. The balance may be landscaped with any mix of ornamental and evergreen trees and shrubs.
- b. Ground Level Air Conditioning Units and Mechanical Equipment. Ground level air conditioning units and other mechanical equipment shall be landscaped on all sides visible from the public right-of-way to a minimum height of thirty (30) inches. The plants used shall have a mature height which will meet or exceed the height of the equipment which it is screening.
- c. Satellite Dishes. The sides and rear of satellite dishes shall be screened from view from the public right-of-way and adjacent properties with a solid planting of evergreen trees to a minimum height of six (6) feet.
- d. Ground Signs and Ground Lights.
 - (1) Ground Signs. The foundation of ground signs shall be planted with shrubs, groundcover, or perennial flowers.

Plants shall be selected for a mature height which will not exceed that of the sign's message.

- (2) Ground Lights. The sides of ground lights for signs shall be screened from view of the public right-of-way with evergreen shrubs or groundcover to a minimum height equal to that of the light(s).

- e. Refuse Receptacles. Refuse receptacles and waste removal areas shall be screened from view on three sides. The screening shall consist of a solid fence constructed of masonry, or commercial-grade wood fencing and shall be a minimum of six (6) feet and a maximum of eight (8) feet tall. Shrub and groundcover plantings' along such screens are desirable to help soften their appearance. Refuse receptacles shall be enclosed on the fourth side with a gate to contain trash or other debris. The gate side of the waste receptacle shall be oriented toward the interior of the site, i.e., toward the building and away from view from the public right-of-way and adjacent sites.

B. Tree Preservation.

1. Intent and Purpose. The purpose of this Section is to conserve and protect the land, vegetation and other natural resources of Gilberts, while allowing for reasonable improvement of the land; and to take necessary measures to preserve and protect trees and other vegetation during all phases of site work. The preservation of existing trees in the Village is intended to accomplish, where possible, the following objectives:
 - a. To preserve trees as an important public resource enhancing the quality of life and the general welfare of the Village and enhancing its unique character and physical, historical, and-aesthetic environment;
 - b. To preserve the essential character of those areas throughout the community which are heavily wooded and in a natural state;
 - c. To enhance and preserve the air quality of the Village through the filtering effect of trees on air pollutants;
 - d. To reduce noise within the Village through the baffle and barrier effect of trees on the spread of noise;
 - e. To reduce topsoil erosion through the soil retention effect of tree roots;

- f. To preserve and enhance nesting areas for birds and other wildlife which in turn assist in the control of insects;
 - g. To reduce storm water runoff and the costs associated with runoff through the water-retaining characteristics of existing woodlands and replenish ground water supplies; and
 - h. To protect and increase property values.
2. Applicability. The Tree Preservation regulations of this section shall apply to all lands in the Village unless expressly exempt.
- a. No land shall be cleared of woods nor shall free-standing trees with a diameter at breast height (DBH) of six (6) inches or greater be cleared and/or removed without a Tree Removal Permit issued by the building official unless exempt from regulation under this section.
 - b. Clearance and removal of trees shall mean, but not be limited to, damage inflicted to the root system by machinery, storage of materials and soil compaction, changing the natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; paving with concrete, asphalt or other impervious materials within such proximity as to be harmful to the tree.
 - c. No Site Work shall occur without a Tree Survey and a Tree Removal Permit.
 - d. No building permit, grading plan, or erosion and sediment control permit shall be issued for the construction, alteration or addition to a building or the grading or alteration of the land surface without the conformance to these Tree Preservation provisions.
 - e. No Tree Removal Permit shall be issued for any parcel of land or development, which requires an approved site plan until a site plan including a Tree Survey and Preservation Plan is submitted to and approved by the village.
 - f. No Tree Removal Permit shall be issued for any parcel of land or development, which requires a Subdivision Plan approval, until a Preliminary Subdivision Plan is approved by the village.

3. Vegetation Requiring Preservation.

a. Existing trees shall be preserved as follows:

- (1) Free-Standing Trees. All Free-Standing Trees located outside of any grove of trees with a diameter of six (6) inches or greater at 4.5 feet above the ground (i.e., diameter at breast height - DBH) shall be preserved to the greatest extent possible. Additionally, a lesser sized tree can be considered a specimen if it is a rare or unusual species, or of exceptional quality. If existing trees can not be preserved they shall be transplanted where feasible. Generally trees over seven (7) inches in caliper should not be transplanted.
- (2) Woodlands. Existing woodlands shall be protected as open space according to the following sliding-scale criteria: 10 percent minimum retention of total woodlands on a site in commercial and industrial districts; 20 percent in high-density residential (R-3 and R-4); and 20 percent in medium-density residential areas (R-2) and 50 Percent retention on large-lot residential lots (R-1). A woodland(s) shall be measured by drawing a line around the Critical Root Zone of all trees on the outer edge of the woodland(s) and measuring the area contained within that envelope. Where more than one woodland exists on a site the areas as defined above shall be added together to obtain the total from which to calculate the percentage of woodlands required to be retained.

b. Priority Save Areas. Wooded 100-year floodplains, wooded wetlands, wooded stream corridors, and steep wooded slopes shall be considered priority save areas to help prevent erosion and protect wildlife. Preservation of priority save areas shall not be counted toward meeting the requirements of this section.

c. Credit for Preserved Trees. All preserved trees and vegetation and transplanted trees shall be credited toward meeting the landscaping and screening requirements for the applicable portion of a site.

4. Plan Submittal and Approval.

a. Submittal Procedures.

- (1) For any parcel of land that requires site plan or subdivision plat approval containing free-standing trees which have diameters greater than six (6) inches or woodlands, a Tree Survey and Tree Preservation Plan must be submitted at the time of application for concept plan/plat approval. The Tree Survey and Tree Preservation Plan shall be reviewed by and approved by the village.
- (2) Prior to issuance of a building permit for development activities covered by this section, the protection and management of all protected landscape elements identified on the Tree Preservation Plan will be subject to review by the village and the petitioner must designate one or more persons on the petitioner's development team as "Tree Preservation Supervisor(s)."
- (3) Tree Surveys and Tree Preservation Plans shall be prepared by qualified professionals, including landscape architects and arborists. The development applicant must designate a Tree Preservation Supervisor who must have training in landscape preservation techniques and take responsibility for ensuring the protection of existing trees during construction.

b. Tree Survey. The Tree Survey shall include the following:

- (1) A scale at a minimum of 1' = 50' and a north arrow.
- (2) All existing buildings, structures and paved areas.
- (3) The location, species (common and botanical), size and condition of each Free-Standing Tree over, six (6) inches DBH.
- (4) Delineate stands of natural woodlands by a circumferential line around all stands of trees with similar characteristics, such as tripe or species, defined as areas which include the outer perimeter of the Critical Root Zone of the individual trees. A notation shall be included which indicates the range of height and DBH of the trees within the areas, the predominant species within the area, and the general health of the trees.
- (5) Trees noteworthy due to size, age, historic, cultural or aesthetic value.

- (6) Name and address of the preparer and the date prepared.
- c. Tree Preservation Plan. The Tree Preservation Plan shall include the following information:
- (1) A scale at a minimum of 1"= 50' and a north arrow.
 - (2) The footprint of any existing and proposed buildings, structures Paving and any other facilities.
 - (3) The location, species (common and botanical), size and condition of each tree to be preserved, transplanted or removed for all trees with a DBH of six (6) inches or greater.
 - (4) Delineate stands of natural woodlands by a circumferential line around. all stands of trees with similar characteristics, such as type or species, defined as areas which include the outer perimeter of the Critical Root Zone of the individual trees. A notation shall be included which indicates the range of height and DBH of the trees within the areas, the predominant species within the area, and the general health of the trees.
 - (5) The location and type of protective tree fencing (orange snow fence or red picket construction fence).
 - (6) Proposed grading and site changes around trees to be preserved and any proposed retaining walls.
 - (7) A statement concerning where and how deliveries for construction purposes are to be made to the site.
 - (8) Name and address of preparer and date of preparation.
 - (9) A panoramic photographic survey of all freestanding trees outside of a woodland with a six (6) inch DBE and the perimeter of all woodlands to be preserved, with corresponding labels on the Tree Preservation Plan indicating where each photo/panoramic elevation was taken.

- (10) A utility trenching plan containing the following information: all storm drains, sewers, easements, area drains, gas lines, electrical service, cable TV and water mains. Additionally, the plan must show all lateral lines serving structures. The plan should be developed to avoid going into the Critical Root Zone of any tree on its path from the street to a building. Where it is not possible to avoid some encroachment, the design must minimize the extent of encroachment.

5. Issuance of Tree Removal Permits.

- a. Criteria for Tree Removal. Unless otherwise specifically authorized in this Code, it shall be unlawful for any person without a written Tree Removal Permit from the Village to remove, injure, destroy, or undertake any procedure the result of which is to cause the death or substantial destruction of any tree having a diameter of six (6) inches DBH or larger, or having an aggregate diameter of ten (10) inches DBH or larger (i.e., clump trees). Tree Removal Permits authorizing the removal of such trees may be issued by the building official for, but not necessarily limited to those below. Any petition for a Tree Removal Permit associated with a site plan approval or subdivision approval shall require review by the plan commission and approval by the village board.

Criteria:

- (1) The tree is dead or dying;
- (2) The tree is diseased;
- (3) The tree is damaged or injured to the extent that it is likely to die or become diseased, or that it constitutes a hazard to persons or property;
- (4) Removal of the tree is consistent with good forestry practices;
- (5) Removal of the tree will enhance the health of remaining trees within the immediate vicinity;
- (6) Removal of the tree will avoid or alleviate an economic hardship or hardship of another nature on the lot or residence located on the lot as approved by the village board.

- b. Tree Removal Permit When a Building Permit is Sought. In the event a Tree Remover Permit is sought in connection with construction requiring a building permit, the application shall be accompanied by
 - (1) A Tree Removal Permit fee in the amount set forth in section ____ of this code;
 - (2) A Tree Survey of the lot prepared in conformance with the requirements of this section;
 - (3) A Tree Preservation Plan in conformance with the requirements of this section; and
 - (4) A report from a certified arborist, if required by the building official.
- c. Tree Removal Permit When No Building Permit is Sought. In the event a Tree Removal Permit is sought in connection with work for which no building permit is required, there shall be no charge for the permit. The application for the Tree Removal Permit shall contain:
 - (1) Name and address of applicant;
 - (2) Commonly known address of lot or property where tree or trees sought to be removed are located;
 - (3) A written statement indicating the reason for removal of the tree or trees;
 - (4) A general description of the tree or trees to be removed, including species and size; and
 - (5) Name and address of contractor or other person who is proposed as having responsibility for Tree Removal.
- d. Fees. A fee shall be paid for permit processing, site inspections, and anneals based on the size of the site. Government agencies shall be exempt from paying such fees. Fees shall be waived in the case of a permit to remove a tree deemed to be damaged or diseased. All fees and fines from protection and planting programs shall be deposited in a Tree Preservation Account. This fund shall be separate from the

general fund and shall be used only for tree planting on public property.

6. Tree Protection During Construction. During construction, all reasonable steps necessary to prevent the damaging or destruction of trees (other than those specified to be removed) shall be taken, including, but not limited to the following:
 - a. No construction activity, movement and/or placement of equipment or material or spoils storage shall be permitted outside the building activity area or within the tree preservation area and no excess soil, additional fill, liquids, or construction debris shall be placed within the Critical Root Zone of any tree that is required to be preserved; nor shall storage of hazardous chemicals occur within 100 feet of a protected tree.
 - b. Unless otherwise authorized by a Tree Removal Permit, no soil is to be removed from within the Critical Root Zone of any tree designated for preservation;
 - c. Within a designated preserved woodland a property owner or builder may clear underbrush inside the woodland boundary line for the purposes, of removing trees and other undesirable vegetation, consistent with good forestry practices, subject to the Critical Root Zone Protection requirements in this section, and the approval of the building official or his designee.
 - d. Prior to commencing any grading or construction activity on a site, the developer shall tag the trees that are intended for removal.
 - e. The following guidelines shall apply to site grading:
 - (1) Building elevations and street elevations shall minimize the change in existing natural grade of yards.
 - (2) Storm and sanitary sewers should be located and elevations set in a manner that requires a minimum of regrading and tree removal.
 - (3) Tree retaining walls shall be required if grades will be lowered by more than 12 inches to create level ground for road or building construction nearby. These walls shall be used to protect roots from exposure and damage. If grades are to be raised around a tree by filling with new dirt, a dry wall around the base of a tree

shall be provided to allow infiltration of water and air and drainage tiles shall be provided to facilitate drainage away from the trunk and to avoid smothering the roots. Light porous materials shall be used for fill material.

- f. Where possible, no digging or trenching shall take place within the established Tree Preservation Area. If there is no alternative, certain precautions shall apply: (1) trenches shall be no closer to the trunk than half the distance of the Critical Root Zone area; (2) roots shall be cut with sharp instruments to reduce the potential damage to the tree; and (3) the trench shall be backfilled within the shortest amount of time possible and the soil shall not be compacted.
- g. Appropriate protective fencing shall be temporarily installed to protect remaining trees. Trees to be saved in any development *shall* be surrounded by orange plastic or red picket snow fencing placed outside the Critical Root Zone. The area within this fence shall be known as the Root Preservation Zone. The snow, fencing shall be secured in place by posts spaced six (6) feet apart and sunk two (2) feet into the ground with a minimum aboveground height of four (4) feet.
- h. All required protective fencing or other physical barriers must be in place and approved by the village prior to beginning construction; such fencing must remain in place during the entire construction period to prevent the impingement of construction vehicles, materials, spoils, and equipment into or upon the Tree Preservation Area; and should not come down until all construction is completed and equipment and materials and debris have been moved off site.
- i. No attachments, signs, fences or wires, other than those approved for bracing, guying or wrapping trees, shall be attached to trees during the construction period; and
- j. Other measures such as construction pruning and root pruning of trees directly effected by construction must also be indicated on the plan.
- k. Trees must also be fertilized to aid in the recovery from possible construction damage.
- l. Periodic photo surveys maybe required at the discretion of the building official during and after construction completion to

document that appropriate tree preservation techniques were observed.

- m. The following guidelines shall apply transplanting:
 - (1) Trees may be transplanted with a tree spades truck or be hand dug. The following procedures shall be followed for hand digging: tree balls shall be hand shaped, burlaped, and tied with twine to provide maximum protection to the root system structure. A ball chain shall be used to remove a hand dug ball from the hole.
 - (2) One-third (1/3) to one-half (1/2) of the vegetative growth shall be pruned from the top of the tree Prior to transplanting or stockpiling, to balance root loss.
 - (3) If transplanted trees will be stockpiled they shall be set far enough apart to allow for air circulation. The balls will be covered with mulch. The root balls will be watered regularly and fertilized as needed.
 - (4) Upon planting, all trees shall be given the same orientation to the sun as they maintained in their previous location. The trunks should be marked with paint, indicating which side faced north, in its original location, prior to relocation.

- 7. Tree Replacement. In the event that a tree or trees designated for preservation on an approved Tree Preservation Plan are severely damaged, destroyed or removed they shall be replaced upon notice by the building official at the rates specified in "d" below.
 - a. All trees planted to meet the tree replacement requirements of this ordinance shall be common and native to northeastern Illinois and to the specific existing plant community found on the site. The tree replacement species are subject to the approval of the building official or designee.
 - b. Replacement trees shall be located close to the damaged or removed trees. If this is not feasible, an alternate location shall be approved by the building official.
 - c. In the event that the building official determines that full replacement would result in the unreasonable crowding of trees upon the lot, the cash value of the outstanding trees including the cost of the tree and labor to install, as determined by the

building official, shall be placed in the Tree Preservation Fund, for use on public lands.

d. Tree replacement schedule:

DBH/Caliper of Existing Trees in inches	Minimum Caliper Of Replacement Trees **(See footnotes)
6 - 10/7-11	3 inch
11 - 15/13-17	3 inch
16+ /18+23	4 inch

* The number of replacement trees required will vary depending on the size of the existing tree(s). The petitioner has the option to use fewer but larger replacement trees than specified here subject to approval of the building official.

The caliper of a tree can be estimated by taking the DBH and multiplying by a factor of 0.15.

** In each case the combined calipers of the replacement trees shall equal the calipers of the existing tree(s) which they are replacing. For existing trees, in the event of a fraction of an inch, if the fraction is less than one-half (1/2) inch, the lower full number shall be used. If the fraction is one-half (1/2) an inch or greater, the higher number shall be used.

8. Exemptions. The following activities and properties are exempt from the Tree Preservation regulations and no Tree Removal Permit is required:

- a. Developments of one acre or less.
- b. The removal of a dead, diseased or damaged tree.
- c. The removal of trees in time of an emergency or when they pose potential danger to life or property.
- d. Removal of a tree by an individual homeowner on a privately owned lot.
- e. The removal of trees necessary for the construction, operation and maintenance of drainage facilities, sanitary and storm sewers.

- f. The removal of trees for construction of public roadways and associated improvements.
 - g. The removal of trees required for the installation, maintenance and repair of underground and overhead utilities.
- 9. Emergencies. In order to avoid danger or hazard to persons or property, during emergency conditions requiring the immediate cutting or removal of a tree or trees protected hereunder a Tree Removal Permit shall be issued by the building official upon notice by the person removing the tree, and without submittal of a formal application. In the event of such an emergency, if neither the building official nor a designated representative are available to issue a Tree Removal Permit, it shall be lawful to proceed with the cutting of the tree or trees to the extent necessary to avoid immediate danger or hazard. In such event the person causing the cutting shall report the action taken to the building official within forty-eight (48) hours thereof.
- 10. Stop Work Order. If, in the opinion of the building official, the necessary tree preservation precautions as specified in this Zoning Ordinance were not undertaken before construction commenced or are not maintained at any time during construction, a Stop Work Order shall be issued by the building official until such time as the permittee complies with these precautions. The penalty provisions of this code will apply.
- 11. Penalties. In the event of violation of this Section, shall be subject to such fine or other penalty as provided for in this code.
- 12. Tree Preservation Escrow.
 - a. Tree Preservation Escrow shall be provided by the permittee to insure the installation, maintenance, and adequate performance of preservation measures on a project. These measures include installation of tree protection devices during construction; repair of damaged trees; removal of dead, dying, or hazardous trees; and planting of replacement trees. If the agreed-upon measures are not complied with, the Village can use the funds to perform the work. On completion of the installation of vegetation, the permittee shall post a two year letter of credit ⁱⁿ the amount of 125 percent of the total cost of landscape material for the first year, following Village acceptance of the installed landscaping, to guarantee the maintenance and replacement of planting and landscaping materials shown on the final development plan. Said letter of credit may be reduced to 25 percent of total costs in the second year. The amount of the letter of credit shall be

based on costs determined by a plant nursery and approved by the building official.

C. Definitions. [PLACEHOLDER – INCORPORATE INTO CHAPTER 12]

1. Berm. A hill or contour of land that acts as a visual barrier between a lot and adjacent properties, alleys, or streets.
2. Caliper. A measurement of a tree equal to the diameter of its trunk measured six (6) inches above natural grade for trees having calipers less than or equal to four (4) inches in diameter; and measured twelve (12) inches above grade for tree calipers greater than four (4) inches in diameter.
3. Critical Root Zone. The area inscribed by an imaginary line on the ground beneath a tree having its center point at the center of the trunk of the tree and having a radius equal to one (1) foot for every inch of DBH and shall extend five (5) feet below surface ground level.
4. Diameter At Breast Height Or DBH. The diameter of a tree measured at four and one-half feet (4-1/2') above the existing grade at the base of the tree.
5. Deciduous Plant. A plant which sheds its foliage at the end of the growing season.
6. Evergreen Plant. A tree or shrub whose foliage persists year round. The plant may be a cone and needle bearing plant (i.e., pine, spruce, etc.) or a broadleaf plant (i.e., a rhododendron, holly, etc.)
7. Free-Standing Tree. An existing tree with a DBE of six (6) inches or greater that is located by itself outside of any woodlands on a site.
8. Opaque. When describing a landscape buffer: a dense, solid mass of plantings obstructing the view of uses on the other side of the buffer.
9. Remove Or Removal. The causing or accomplishing of the actual physical removal of a tree, or the effective removal through severe pruning, damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a tree.
10. Shrub, Evergreen. An evergreen plant with an expected mature height of not more than fifteen (15) feet, with either a single or multiple primary trunks.
11. Shrub, Large. Deciduous or evergreen woody plant with an expected mature height of not less than five (5) feet, and generally not more than fifteen (15) feet, with multiple trunks or multiple leaders.

12. Shrub, Small. Deciduous or evergreen woody plant with an expected mature height of less than five (5) feet with multiple trunks or multiple leaders.
13. Site Work. The performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the division of land into two or more parcels, and the creation or termination of rights of access or riparian rights, as well as demolition of a structure or removal of trees and other vegetation. Also, any clearing, excavating, grading, trenching, filling or similar land-disturbing activities.
14. Swale. A topographical indentation which channels periodic water runoff.
15. Tree, Evergreen. An evergreen plant with a single trunk and an expected mature height of thirty (30) feet or more and expected spread of twenty (20) feet or more.
16. Tree, Ornamental. A deciduous, woody plant with an expected mature height of fifteen (15) to thirty-five (35) Feet, and possessing either a single trunk or multiple trunks.
17. Tree Preservation Area. That area of a lot or parcel of land within which all trees and shrubs shall be protected.
18. Tree Preservation Fund. A fund established by the Village for collecting all fees issued for unauthorized Tree Removal and for collecting cash equivalents for replacement trees which in the opinion of the building official will not fit in. a given location. These funds shall be used for the expressed purpose of purchasing and planting trees on public land within the Village.
19. Tree Preservation Plan. A written plan having text and/or graphic illustrations indicating the methods which are to be used to preserve existing trees during construction.
20. Tree Preservation Supervisor. A member of the applicant's development team who is a professional landscape architect or arborist with training in tree Preservation techniques. This person shall take responsibility for ensuring the protection of existing trees designated for preservation, during construction.
21. Tree Removal Permit. The permit required by the tree preservation regulations to be issued in order to remove any tree within the corporate limits of the Village.
22. Tree, Shade. A deciduous tree with an expected mature height of thirty-five (35) feet or with a single straight trunk.

23. Tree Spade Truck. A truck with a cone-shaped appendage specifically designed for digging established trees for the purpose of transplanting.
24. Tree Survey. A written plan having text and/or graphics indicating the location, size, species and condition of all existing free-standing trees with a caliper of six (6) inches or greater and the boundary line, variety of species, range of sizes and condition of trees within a wooded area.
25. Vehicular Use Area. All areas used for the display or parking of four (4) or more vehicles, including boats and heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not (i.e., trailers), and all land upon which vehicles traverse the property as a function of the primary use, including but not limited to driveways, parking lot aisles, drive-through window lanes, stacking areas for car washes and gas stations.

9-9-5 EXTERIOR LIGHTING [NEW]

- A. Purposes. The regulations established in this section are designed and intended to prevent excessive spillover of light and glare from the zoning lot on which the light source is located. The standards are deemed to be the minimum standards necessary to prevent nuisance and adverse impacts on the public health, safety and welfare. The provisions shall not apply to village-owned and operated lighting and facilities or to street lighting.
- B. Provisions.
1. Spillage From Exterior Lights. All exterior lighting used in any district shall be shaded, shielded or directed to limit spillage of light onto adjacent properties. Maximum horizontal foot-candles as given off by lighting on the neighboring property as measured at the property line of the following districts shall not exceed 2 foot candles. [consider district-specific lighting standards?]
 2. Prevention Of Direct Glare. All exterior lighting shall be arranged to prevent direct glare of beams onto any residential or institutional property by the use of luminaire cutoffs.
 3. Height Restriction. Exterior lighting fixtures shall not exceed ____ feet above ground level on nonresidential property and shall not exceed ____ feet on residential property.
 4. Heat From Lighting Fixtures. No heat from operations or processes of lighting fixtures shall be sensed at any lot line to the extent of raising the temperature of air or materials more than five degrees fahrenheit.
 5. Hazardous Lighting. Any lighting, illumination or signage that is determined to be a hazard to public health, safety and welfare or a nuisance to surrounding or existing properties as deemed by the village building inspector shall be in violation of this chapter.
 6. Approval Of Exterior Lighting Plan. Any time exterior lighting is to be installed or substantially modified in any manner, an exterior lighting plan may be required by the Zoning Administrator for approval, prior to the implementation of any installation or modification.
 - a. Submit the following information:
 - i. Lighting layout.
 - ii. Photometric data.
 - iii. Photometric computation for entire site, including adjacent property lines.
 - iv. Pole and luminaire manufacturer data.

- b. Submitted information to be reviewed by the village building official.
- C. Enforcement. The Zoning Administrator shall enforce the provisions of this chapter. Upon certification of a violation, enforcement and penalty provisions shall prevail. In addition, the Village may require that the offending party install, maintain and operate continuous measuring or recording instruments to demonstrate the operation of lighting fixtures and to ensure continuous compliance with the prescribed standards.