

CITY OF WEST CHICAGO

INFRASTRUCTURE COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Resolution No. 17-R-0065- Contract Award - Liquid Carbon Dioxide for Fiscal Year 2018

AGENDA ITEM NUMBER: 8.D.

COMMITTEE AGENDA DATE: November 2, 2017

COUNCIL AGENDA DATE: November 6, 2017

STAFF REVIEW: Joseph Munder, Water Treatment Plant Superintendent

SIGNATURE 

APPROVED BY CITY ADMINISTRATOR: Michael L. Guttman

SIGNATURE _____

ITEM SUMMARY:

Liquid Carbon Dioxide is one of the various chemicals used at the City's Water Treatment Plant. Approximately 300 tons of Liquid Carbon Dioxide are used annually.

A Notice to Bidders was advertised in the Daily Herald on October 3, 2017, and sealed bids were opened on October 24, 2017. Two bids were received with MacCARB, Inc. of Elgin, Illinois, submitting the only responsible bid of \$125.00/ton delivered, for a total contract price of \$37,500.00. This represents a 7.41% decrease over FY 2017 unit prices. The City did receive a lower bid from Air Products of Allentown, Pennsylvania; however, its bid included substantial contract changes that are not acceptable to the City. A bid tab showing the results of the bid opening is attached.

Staff recommends that a contract be awarded to MacCARB, Inc. for procurement of Liquid Carbon Dioxide, at a unit price of \$125.00/ton delivered, for an amount not to exceed \$37,500.00 for FY 2018.

Adequate funds will be budgeted in the Water Fund, Water Treatment Plant Operations – Chemicals (06-34-48-4626) to cover this expenditure.

ACTIONS PROPOSED:

Approve Resolution No. 17-R-0065 authorizing the Mayor to execute a contract with MacCARB, Inc. of Elgin, Illinois, for the procurement of Liquid Carbon Dioxide, at a unit price of \$125.00/ton delivered, for an amount not to exceed \$37,500.00 for FY 2018.

COMMITTEE RECOMMENDATION:

Pending recommendation from the Infrastructure Committee at its meeting on November 2, 2017.

CITY OF WEST CHICAGO

INFRASTRUCTURE COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Resolution No. 17-R-0066 - Adopt-A-Highway Program -
Ball Horticultural Company

AGENDA ITEM NUMBER: 8.E.

COMMITTEE AGENDA DATE: November 2, 2017
COUNCIL AGENDA DATE: November 6, 2017

STAFF REVIEW: Tim Wilcox, Assistant Director of Public Works

SIGNATURE 

APPROVED BY CITY ADMINISTRATOR: Michael L. Guttman

SIGNATURE _____

ITEM SUMMARY:

On June 5, 1995, the City of West Chicago adopted Ordinance No. 2904, which established an Adopt-A-Highway Program with respect to the collection of litter in the street right-of-way within the corporate limits of the City with various civic, not-for-profit organizations, and other commercial and private enterprises.

Ball Horticultural Company has submitted an application for participation in the City's Adopt-A-Highway Program to collect litter within the right-of-way of Roosevelt Road (Illinois Route 38) between Town Road and Washington Street.

Staff recommends approval of the attached application/Agreement and Resolution No. 17-R-0066.

ACTIONS PROPOSED:

Approve Resolution No. 17-R-0066 authorizing the Mayor to execute an Agreement pursuant to the Illinois Adopt-A-Highway Act between the City of West Chicago and Ball Horticultural Company for maintenance of Roosevelt Road (Illinois Route 38) between Town Road and Washington Street.

COMMITTEE RECOMMENDATION:

Pending recommendation from the Infrastructure Committee at its meeting on November 2, 2017.

CITY OF WEST CHICAGO

INFRASTRUCTURE COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Resolution No. 17-R-0067 - Contract Agreement for Custodial Services with Open Works

AGENDA ITEM NUMBER: 8. F.

COMMITTEE AGENDA DATE: November 2 2017

COUNCIL AGENDA DATE: November 6, 2017

STAFF REVIEW: Robert E. Flatter, P.E., Director of Public Works

SIGNATURE 

APPROVED BY CITY ADMINISTRATOR: Michael L. Guttman

SIGNATURE _____

ITEM SUMMARY:

For Fiscal Year 2016, Open Works of Rosemont, Illinois was awarded a Contract for professional custodial services of six City owned and maintained facilities for an amount not to exceed \$73,464.00. Professional custodial services are provided at the City Hall, Police Station, Water Treatment Plant, Metra Station, Museum, and Grandlake Boulevard Facility.

A provision of the current contract allows for the Contract to be extended for two additional years, through mutual agreement between Open Works and the City, if pricing is held for each subsequent fiscal year, if the City were satisfied with services provided, and if approved by the City Council. On November 7, 2016, the City Council approved the first extension to Open Works' contract for Fiscal Year 2017. Open Works has again offered to extend its 2016 pricing through Fiscal Year 2018 (final extension allowed under the current contract).

Custodial services are budgeted and paid from various funds, depending on the location for services. Adequate funds will be budgeted in the Commuter Parking Fund, the General Fund, and the Water Fund to cover future years' services.

It is staff's recommendation that a Contract extension be awarded to Open Works of Rosemont, Illinois, for professional custodial services during Fiscal Year 2018 for six City owned and maintained facilities, in an amount not to exceed \$73,464.00. Staff was satisfied with Open Works' services during Fiscal Years 2016 and 2017.

ACTIONS PROPOSED:

Approve Resolution No. 17-R-0067 authorizing the Mayor to execute a contract with Open Works of Rosemont, Illinois, for professional custodial services during Fiscal Year 2018 of six City owned and maintained facilities, for an amount not to exceed \$73,464.00.

COMMITTEE RECOMMENDATION:

Pending recommendation from the Infrastructure Committee at its meeting on November 2, 2017.

CITY OF WEST CHICAGO

INFRASTRUCTURE COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Contract Award – Operations Management International, Inc. For Professional Services Related to the Management and Operation of the City's Regional Wastewater Treatment Plant

AGENDA ITEM NUMBER: 8. G.

COMMITTEE AGENDA DATE: October 5, 2017

COUNCIL AGENDA DATE: November 6, 2017

STAFF REVIEW: Robert E. Flatter, P.E., Director of Public Works

SIGNATURE 

APPROVED BY CITY ADMINISTRATOR: Michael L. Guttman

SIGNATURE _____

ITEM SUMMARY:

In 2008 the City privatized its Wastewater Treatment Plant operations, and on March 26, 2008, the City Council approved a five-year contract with Operations Management International, Inc. (OMI) to perform various tasks and duties, including, but not limited to, management and operation of the City's Wastewater Treatment Plant (WWTP). In December 2012, the City Council approved another five year contract with OMI for similar services during fiscal years 2013 thru 2017.

Over the past ten years, OMI's staff has managed, operated, monitored, and maintained the WWTP on a continuous twenty-four hour per day, seven day per week basis, so that the Plant's effluent discharge meets the requirements specified in the City's Illinois Environmental Protection Agency NPDES Permit. OMI pays all costs incurred with normal operations, including utilities, chemical purchases, and repairs, as well as all costs associated with grit, screenings, and sludge removals. They document and provide all annual maintenance and repair activities. They perform all laboratory testing and samplings required by the NPDES permit, and provide compliance inspection and oversight services of the City's Industrial Pretreatment Program in addition to preparing the annual pretreatment reports required by the USEPA.

City staff, the Village of Winfield, and the IEPA Inspectors have all been extremely pleased with OMI's professionalism and performance over the past ten years. Staff believes that it would be in the best interest of the City to have OMI continue to be involved with the management and operation of the City's WWTP. OMI also desires to continue to be involved in the management and operation of the City's WWTP and has submitted a proposal to provide services over the next five years (fiscal years 2018 thru 2022), with a ten year option (fiscal years 2018 thru 2027).

For consideration of a five year contract with renewable five (5) year terms, OMI is willing to:

1. Develop a written Phosphorus Discharge Optimization Plan for the City of West Chicago Wastewater Treatment Plant, as mandated by the Illinois Environmental Protection Agency (IEPA) under Subsections 5, 6 and 7 of Special Condition 18 of the NPDES Permit No. IL0023469 dated December 13, 2016, and will submit it to the IEPA at no cost to the CITY; and,
2. Conduct an Industrial Pretreatment Survey within the corporate limits of the City of West Chicago and the Village of Winfield, as mandated by the IEPA under Special Condition 11 of the NPDES Permit No. IL0023469 dated December 13, 2016, to update the CITY'S inventory of Industrial Users to ensure that all Significant Industrial Users (SIUs) are properly identified, characterized, and categorized. Survey will be conducted at no cost to the CITY.

For consideration of a ten year contract with renewable five (5) year terms, OMI is willing to:

1. Develop a written Phosphorus Discharge Optimization Plan for the City of West Chicago Wastewater

CITY OF WEST CHICAGO

Treatment Plant, as mandated by the Illinois Environmental Protection Agency (IEPA) under Subsections 5, 6 and 7 of Special Condition 18 of the NPDES Permit No. IL0023469 dated December 13, 2016, and will submit it to the IEPA at no cost to the CITY; and,

2. Conduct an Industrial Pretreatment Survey within the corporate limits of the City of West Chicago and the Village of Winfield, as mandated by the IEPA under Special Condition 11 of the NPDES Permit No. IL0023469 dated December 13, 2016, to update the CITY'S inventory of Industrial Users to ensure that all Significant Industrial Users (SIUs) are properly identified, characterized, and categorized. Survey will be conducted at no cost to the CITY; and,
3. By December 31, 2018, invest up to \$350,000.00 in Capital Improvements at the City of West Chicago Wastewater Treatment Plant, as determined appropriate and acceptable to the CITY. Projects being considered include, but are not limited to, conversion of the disinfection system from chlorine gas to hypochlorite, and installation of chain link fencing along the eastern property line of the plant to improve perimeter security.

When OMI's original contract was executed in 2008, the City was on a May thru April fiscal year calendar. In 2013, to coincide with the City's current fiscal/calendar year, OMI's contract started on January 1, 2013, and will end on December 31, 2017. Compensation for services performed during 2018 will not exceed \$2,730,700.00 (which is 1.85% over 2017). Changes in the base fee will be negotiated annually using the twelve month percentage change (prior year to current year) in the Employment Cost Index (ECI) and the Consumer Price Index (CPI). For 2008 thru 2017, this change represented an average annual increase of approximately 1.0% (see attached spreadsheet for additional clarification). In addition, at the end of each contract year, OMI rebates the City fifty percent (50%) of budgeted funds, and the City pays fifty percent (50%) for all overages, for utilities (i.e., electricity and natural gas), biosolids hauling and disposal, and chemicals spent for the operations and maintenance of the WWTP during the contract year. As a result, OMI has rebated the City more than \$310,000.00 for the first eight years of operations.

The proposed contract contains a termination clause, same for a five year term or ten year term, which identifies that either party may terminate the contract for a material breach of the contract by the other party after giving written notice of breach and allowing the other party thirty days to correct the breach. The termination clause identifies that, except for a breach by the City for nonpayment of OMI's invoices, neither party shall terminate the contract without giving the other party thirty days written notice of intent to terminate after failure of the other party to correct the breach within thirty days. However, in the event of OMI's insolvency, bankruptcy or receivership, termination shall be effective immediately upon receipt of notice from the City. The contract also contains language that upon notice of termination by the City, OMI shall assist the City in resuming operation of the WWTP for a period of time not to exceed ninety days, and OMI shall turn over all O&M manuals, operating and laboratory records database, state reports, IPP reports, maintenance database and all other deliverables prepared for the City under the terms of the contract.

Considering OMI's outstanding performance over the past ten years, its familiarity with the WWTP, its willingness to invest in the WWTP with certain Capital Improvements, and the City's ability to terminate the contract with notice for an uncured material breach, City staff recommends that City Council award a ten year contract with renewable five year terms to OMI for the management and operation of the City's WWTP during fiscal years 2018 thru 2027. The Village of Winfield has indicated that it prefers awarding a five year contract with renewable five year terms.

OMI's services will be budgeted for and paid from the Sewer Fund (05-34-42-4225).

ACTIONS PROPOSED:

Staff seeks direction from Committee.

CITY OF WEST CHICAGO

COMMITTEE RECOMMENDATION:

The Infrastructure Committee voted 5-0 to direct staff to present a ten year contract to City Council.

CITY OF WEST CHICAGO

PUBLIC AFFAIRS COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Ordinance No. 17-O-0040

Amending Chapter 9, Article XXI, ALARMS of the West Chicago Code of Ordinances.

AGENDA NO. 8. H.

FILE NO. _____

AGENDA DATE: October 23, 2017

COUNCIL AGENDA DATE: November 6, 2017

STAFF REVIEW: Michael Uplegger, Chief of Police

SIGNATURE _____

APPROVED BY CITY ADMINISTRATOR: Michael Guttman

SIGNATURE _____

ITEM SUMMARY:

The City currently requires every person, who wishes to install a direct or indirect burglary or robbery alarm system in their home or place of business, to obtain a user permit from the City for each separate alarm system they wish to connect. The Police Department receives a fair amount of permit requests every year, but nowhere near the amount we should be receiving if everyone were to submit a request as spelled out in the Ordinance. Upon checking with our dispatch center, DU-COMM, we learned that they do not require the information nor do they wish to maintain a copy of the permit. DU-COMM advised they can obtain the necessary information from the alarm company when they call to report alarm activations. The Police Department also has no reason to store this information due to the fact we can obtain any needed information from DU-COMM. Therefore, staff is requesting we discontinue the practice of requesting individuals and businesses to submit Alarm User Permits.

ACTIONS PROPOSED:

Staff recommends adoption of Ordinance No. 17-O-0040.

COMMITTEE RECOMMENDATION:

The Public Affairs Committee recommends adoption of Ordinance No. 17-O-0040.

ORDINANCE NO. 17-O-0040

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE XXI, ALARMS,
OF THE WEST CHICAGO CODE OF ORDINANCES

WHEREAS, the City of West Chicago (hereinafter referred to as "City") is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City is authorized and empowered, under the Illinois Municipal Code, 65 ILCS 5/11-20-5 to regulate for the public health; and

WHEREAS, the City is authorized, pursuant to its police power, 65 ILCS 5/11-1-1, to carry out the powers delegated to it under its grants of authority.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of West Chicago, DuPage County, Illinois, as follows:

Section 1. That Article XXI, Alarms, Chapter 9, Licenses, Permits and Business Regulations of the Code of Ordinances of the City of West Chicago be amended to read as follows:

"Sec. 9-650. - Definitions.

Alarm system. Any burglar and/or holdup alarm system referred to in this article.

Burglar alarm system. An alarm system signaling an entry or attempted entry into the area protected by the system.

Burglar and holdup alarm business. Any business operated by a person for a profit, which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, serving or responding to a burglar or holdup alarm system, or which causes any of these activities to take place.

Central station. Any premises, usually maintained by an alarm company, equipped to receive and displace signals from intruder alarm systems.

Communicator panel. The device that receives alarm signals from subscribers whose lines terminate at the police dispatch point.

Direct alarm. Any police alarm device running directly from a specific location to the police dispatch point, connected by leased telephone lines.

False alarm means activation or transmission of any alarm signal caused by human error, mechanical or electronic malfunction, negligence of the alarm user or alarm user's employee, whether or not the exact cause of the alarm activation is determined, or any other activation or transmission of any alarm signal where no actual or attempted burglary or robbery exists. Severe weather, power outages, transmission line malfunctions, acts of God, malicious acts of persons not under the control of the alarm user, or any other cause clearly beyond the control of the alarm user will be considered in determining if an alarm activation was false and whether or not any occurrence, fine, warning or other punitive action will be taken against the alarm user as provided for by this article.

Holdup alarm system. An alarm system signaling a robbery or attempted robbery.

Indirect alarm. Any police alarm device running indirectly from a specific location to the police dispatch point through an alarm company's receiving location to the police dispatch point. The alarm may

be connected to the police dispatch point by leased telephone lines or called in by the alarm company's receiving location personnel.

Interconnect. To connect an alarm system to the voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

Local alarm (audible type). These alarms sound audibly on the premises whether or not connected as a "direct" or "central station" alarm.

Person. Any person, firm, partnership, association, corporation, company or organization of any kind.

Subscriber. A person who contracts for or receives service or maintenance with respect to any alarm system from an alarm business.

(Ord. No. 04-O-0010, § 1, 3-1-2004)

Sec. 9-651. - Responsibility to answer alarms.

- (a) *Generally.* When an alarm has been activated at a business or private residence and the police respond, the owner or his representative shall be present at such location after being requested to do so by a representative of the West Chicago Police Department. Response shall be as soon as possible but should not exceed thirty (30) minutes from time of request.
- (b) *Audible alarms.* Every local alarm shall be constructed, equipped, and installed in such a fashion that the alarm shall be incapable of sounding for more than thirty (30) minutes following a single activation. The sounding of such audible alarm for a continuous period of more than thirty (30) minutes shall constitute a public nuisance.

(Ord. No. 04-O-0010, § 1, 3-1-2004)

Sec. 9-652. - Interconnected alarm systems, regulations and standards.

No automatic dialing service shall be interconnected to the police department or police dispatch unit.

(Ord. No. 04-O-0010, § 1, 3-1-2004)

Sec. 9-653. - Transmission of excessive false alarms, grounds for revocation of permit.

- (a) Except due to factors beyond the control of the subscriber, it shall be unlawful for any person to transmit more than two (2) false alarms within any calendar year from any single alarm system.

False alarms shall not include alarms activated by the following:

- (1) Attempted or actual criminal activity or forcible or unauthorized entry;
- (2) Structural damage to the protected premises due to earthquake, high winds, lightning or flooding caused by the overflow of natural drainage;
- (3) Telephone line malfunction;
- (4) Electrical service interruption; and
- (5) System malfunction within thirty (30) days of a new installation or modification of an existing system, provided that the chief of police has received prior notice of the work performed.

(b) For the purpose of this section, factors within the "control of the subscriber" shall be defined as follows:

- (1) Any act or omission by a subscriber or his employee;
- (2) Faulty equipment;
- (3) Equipment not properly maintained or serviced;

Sec. 9-654. - Penalties.

(a) *False alarm response charges.* When the West Chicago Police Department responds to false alarms received from the same premises more than two (2) times in a calendar year (January through December), the alarm user or subscriber shall pay the city the following amount within thirty (30) days after receiving billing notification.

One through two (1-2) responses: free

After the second alarm, each false alarm is \$100.00.

If payment is not received within the thirty-day period, as provided above, the charge for said response shall be increased to double the amount of the initial response charge.

(b) *Informal hearing.* Each alarm user shall be entitled to an informal hearing with the chief of police or his designate for each false alarm in excess of two (2). At the informal hearing, the subscriber may offer evidence that the alarm activation for which he is charged was not under his control as stated in section 9-655. The hearing must be requested, in writing, by certified or registered mail, directed to the Chief of the West Chicago Police Department, seven (7) days after the mailing of the statement of charges for the false alarm(s). Failure to timely request a hearing shall constitute an admission that the service charge is justified and payable to the city and shall further constitute an irrevocable waiver of such hearing.

(Ord. No. 04-O-0010, § 1, 3-1-2004)

Sec. 9-655. - Municipal liability.

The city and its officers, agents, employees or assignees shall not be liable for any defects in the equipment or operation of the alarm system or use of signaling systems. Nothing contained herein shall be construed as a warranty by the city that any system will work or that any equipment or services will be without defect. The city shall not be held liable for any damages, consequential or otherwise, for any claim or dispute arising out of our in connection with an alarm or signaling system.

(Ord. No. 04-O-0010, § 1, 3-1-2004)

Sec. 9-656. - Severability.

Should any section, paragraph, sentence, clause or phrase of this article be declared unconstitutional or invalid for any other reason, the remainder of this article shall not be affected thereby and shall remain in full force and effect and the same shall not affect validity of the remaining portions of this article.

(Ord. No. 04-O-0010, § 1, 3-1-2004)

Secs. 9-657—9-664. - Reserved.”

Section 2. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed

Section 3. That 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 6th day of November 2017.

Alderman J. Beifuss	_____	Alderman L. Chassee	_____
Alderman J. Sheahan	_____	Alderman H. Brown	_____
Alderman A. Hallett	_____	Alderman Michael Ferguson	_____
Alderman Birch Ferguson	_____	Alderman S. Dimas	_____
Alderman K. Meissner	_____	Vacant – Ward 5	_____
Alderman R. Stout	_____	Alderman G. Garcia	_____
Alderman N. Ligino-Kubinski	_____	Alderman B. Gagliardi	_____

APPROVED as to form: _____
City Attorney

APPROVED this 6th day of November 2017.

Mayor, Ruben Pineda

ATTEST:

City Clerk, Nancy M. Smith

PUBLISHED: _____

CITY OF WEST CHICAGO

CITY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:

Plat of Easement for Watermain
2500 Enterprise Cr.
DS Container

Res. 17-R-0061

AGENDA ITEM NUMBER: 8.I.

FILE NUMBER: _____

COMMITTEE AGENDA DATE: N/A

COUNCIL AGENDA DATE: Nov. 6, 2017

STAFF REVIEW: Bill Ganek

SIGNATURE 

APPROVED BY CITY ADMINISTRATOR: Michael Guttman SIGNATURE _____

ITEM SUMMARY:

DS Container recently completed a new manufacturing/distribution facility at 2500 Enterprise Cr. As part of the construction, new 6 inch diameter water main including 2 fire hydrants with appurtenances was installed on the site. The proposed easement will allow on site access to the City for maintenance of the watermain and fire hydrants.

ACTIONS PROPOSED:

Consideration of the requested plat of easement for watermain on the property located at 2500 Enterprise Cr.

COMMITTEE ACTION:

This item did not go before a Committee for consideration.

RESOLUTION NO. 17-R-0061

**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A PLAT OF
EASEMENT FOR WATERMAIN AT
2500 ENTERPRISE CIRCLE – DS CONTAINER**

BE IT RESOLVED by the City Council of the City of West Chicago, in regular session assembled, that the Mayor is hereby authorized to accept a Plat of Easement for a watermain located on the property at 2500 Enterprise Cr., according to the plat prepared by Spaceco, Inc., consisting of one (1) sheet, with a final revision date of September 29, 2017 as attached hereto and incorporated herein as Exhibit "A".

APPROVED this 6th day of November, 2017.

AYES: _____

NAYES: _____

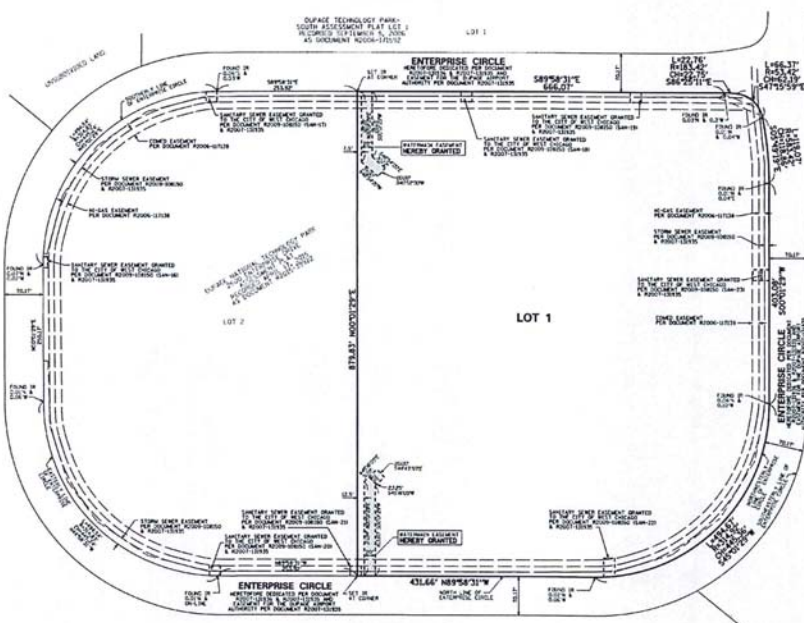
ABSTAIN: _____

ABSENT: _____

Ruben Pineda, Mayor

ATTEST:

Nancy M. Smith, City Clerk

P.L.N.
06-18-103-003-0000

REVISIONS: 12/15/2014 09/28/2017 FMT:AR		CONSULTING ENGINEERS SITE DEVELOPMENT ENGINEERS LAND SURVEYORS	DATE: 04/14/2018 JOB NO: 3545-10 FILENAME: 3545-10E-W-01 SHEET 1 OF 1
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CITY OF WEST CHICAGO

CITY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:

Plat of Easement for Public Utilities
621 and 629 W. Washington St.
American Roofing and The Crusher

Res. 17-R-0064

AGENDA ITEM NUMBER: 8. J.

FILE NUMBER: _____

COMMITTEE AGENDA DATE: N/A

COUNCIL AGENDA DATE: Oct. 2, 2017

STAFF REVIEW: Bill Ganek

SIGNATURE



APPROVED BY CITY ADMINISTRATOR: Michael Guttman

SIGNATURE

ITEM SUMMARY:

American Roofing recently completed the extension of an 8 inch sanitary sewer main to provide sanitary sewer service to their building located at 621 W. Washington St. The building was being served with sanitary service by a septic system which had begun to fail thus their desire to connect to the City's sanitary system. In order to extend the sewer main to their property an easement was needed from the existing sewer terminus across the property located at 629 W. Washington St. (The Crusher) onto American Roofing's property. The proposed easement will allow on site access to the City for maintenance of the sanitary sewer main.

ACTIONS PROPOSED:

Consideration of the requested plat of easement for public utilities on the property located at 621 and 629 W. Washington St.

COMMITTEE ACTION:

This item did not go before a Committee for consideration.

RESOLUTION NO. 17-R-0064

**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A PLAT OF
EASEMENT FOR PUBLIC UTILITIES AT
621 AND 629 W. WASHINGTON ST. – AMERICAN ROOFING and THE
CRUSHER**

BE IT RESOLVED by the City Council of the City of West Chicago, in regular session assembled, that the Mayor is hereby authorized to accept a Plat of Easement for public utilities located on the property at 621 and 629 W. Washington St., according to the plat prepared by Webster, McGrath and Ahlberg Ltd., consisting of one (1) sheet, with a final revision date of October 17, 2017 as attached hereto and incorporated herein as Exhibit "A".

APPROVED this 6th day of November, 2017.

AYES: _____

NAYES: _____

ABSTAIN: _____

ABSENT: _____

Ruben Pineda, Mayor

ATTEST:

Nancy M. Smith, City Clerk

FORM NO. 9-000-000-000	D-1702 BANGKOK	1 of 1
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CITY OF WEST CHICAGO

DEVELOPMENT COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Proposed Roosevelt Rd./Fabyan Pkwy T.I.F. District

Ordinances No. 17-O-0032, 17-O-0033, 17-O-0034

AGENDA ITEM NUMBER: 9. A - C.

FILE NUMBER: _____

COMMITTEE AGENDA DATE: October 9, 2017

COUNCIL AGENDA DATE: November 6, 2017

STAFF REVIEW: Bill Ganek

SIGNATURE 

APPROVED BY CITY ADMINISTRATOR:

Michael Guttman **SIGNATURE** _____

ITEM SUMMARY:

Camaros Ltd evaluated the feasibility of a Tax Increment Financing District (TIF) for the area around the Roosevelt Rd. and Fabyan Parkway intersection. The TIF Redevelopment Plan and Project Report is included with this summary. Pursuant to the Illinois Municipal Code a municipality must find that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan. The municipality must find: 1) that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, 2) the redevelopment plan establishes the estimated dates of completion of the project and retirement of obligations issued to finance redevelopment project costs, 3) that the redevelopment project area would not be reasonably be developed without the use of such incremental revenues, and 4) that such incremental revenues will be exclusively utilized for the development of the redevelopment area.

Project Area Overview:

The proposed TIF area is irregular in shape and includes properties generally bounded by Roosevelt Road on the north, the Burlington Northern Santa Fe Railroad on the south and east and west lines of property lines of potential development sites generally fronting Fabyan Parkway and Roosevelt Road including three parcels west of Kress Road (See map in Project Report). The land use pattern currently consists of limited commercial uses and vacant land and buildings. The area contains a total of 22 tax parcels and is approximately 161 acres in size. Approximately 9 acres are devoted to public rights-of-way, leaving 152 acres of net land area. Vacant land totals approximately 118 acres and 34 acres are improved. The zoning classifications within project area are Office/Research/Light Industrial (ORI), Manufacturing (M), and Airport (A).

TIF Eligibility:

The TIF eligibility analysis in the Camiros Report concluded that the project area qualifies for designation as a redevelopment project area because it is a combination of an improved conservation area and blighted vacant area in accordance with the definitions in the Act.

In order to be designated as a conservation area, 50% or more of the buildings must be 35 years of age or older. The Project Area contains 17 buildings of which 12 (70.6%) are at least 35 years of age. The Act also requires that at least three of 13 factors (defined in the Act) must be meaningfully present for the designation as a conservation area. Five factors were found to meet these requirements and are as follows 1) obsolescence, 2) Deterioration, 3) Inadequate utilities, 4) Lack of Community Planning and 5) Lagging or Declining EAV.

Vacant land qualifies as a blighted area if two of six eligibility factors listed in the act are found to be meaningfully present. Three factors were shown to be present and include: 1) Obsolete Platting, 2) Deterioration of Structures or Site Improvements in Neighboring Areas Adjacent to the Vacant Land, and 3) Lagging or Declining EAV.

Redevelopment Plan and Project:

Public intervention is needed to achieve the City's development objectives for the Project Area; which are to stabilize the tax base, attract new businesses, eliminate and provide necessary utilities and infrastructure. The Plan seeks to achieve the goals and objectives outlined in Chapter 4 (page 9) of the Camiros report and Chapter 5 (page 10) describes the Redevelopment Plan.

TIF Approval Process:

There is a defined process with specific notification requirements that a proposed TIF must follow before approval. In August the Development Committee and the City Council reviewed the requirements for a TIF calling for a meeting of the Joint Review Board and setting the date of the public hearing which was held on 10/16/2017. Prior to the hearing before the City Council the TIF Joint Review Board held a meeting on 9/12/2017 and discussed the plan and in discussion informally concurred that the Roosevelt Rd. / Fayban Pkwy Redevelopment Plan TIF satisfied the criteria for a TIF district. However, the JRB members agreed to continue the JRB meeting until 10/10/2017 to have additional time to review the plan. At the continuation of the JRB meeting on 10/10/2017 the JRB unanimously approved the attached Resolution approving the Roosevelt Road/Fabyan Parkway Redevelopment Plan and Redevelopment Project and concluded that the Tax Increment Redevelopment Project Area satisfies the eligibility criteria defined in the Illinois Tax Increment Allocation Financing Act. After the conclusion of the hearing on 10/16/2017 the City Council could consider three ordinances necessary to approve the TIF District. These three ordinances are attached for introduction before the City Council at the 11/6/2017 regular meeting.

ACTIONS PROPOSED:

Acknowledgment that the eligibility criteria identified in the Roosevelt Rd./ Fabyan Parkway TIF Redevelopment Plan and Project Prepared by Camrios, Ltd dated July 2017 are satisfied and the City Council consider approval of Ordinances Nos.17-O-0032, 17-O-0033 and 17-O-0034. **Staff is recommending that the City Council continue action on the three TIF Ordinances until 12/4/2017 to allow for additional discussions with School Districts 33 and 94 on possible conditions to the TIF plan.**

COMMITTEE RECOMMENDATION:

At its October 9, 2017 meeting the Development Committee recommend that the City Council consider approval of the three Ordinances, Nos. 17-O-0032, 17-O-0033 and 17-O-0034.

**RESOLUTION AND RECOMMENDATION OF JOINT REVIEW BOARD
CREATED AND CONVEYED PURSUANT TO TAX INCREMENT ALLOCATION
FINANCING ACT FOR THE
ROOSEVELT ROAD/FABYAN PARKWAY REDEVELOPMENT
PROJECT AREA, CITY OF WEST CHICAGO, ILLINOIS**

To: Mayor Ruben Pineda
and Members of the West Chicago City Council

WHEREAS, the Joint Review Board convened pursuant to Illinois Tax Increment Allocation Financing Act, as amended (65 ILCS 5/11-74.4-1 et seq.) (the “Act”) did meet at 10:00 a.m. on September 12, 2017, at the City Hall of the City of West Chicago, Illinois, and was attended by all or some of the affected taxing jurisdictions within the proposed redevelopment project area and a public member pursuant to the aforementioned statute; and

WHEREAS, pursuant to the Act those taxing districts in attendance constitute a quorum for purposes doing business; and

WHEREAS, as its first orders of business, a public member and a chairperson of the Joint Review Board were duly selected by a majority vote of all other Joint Review Board members present; and

WHEREAS, thereafter the Joint Review Board did carefully review and consider the public record, planning documents and proposed ordinances approving and adopting the Roosevelt Road/Fabyan Parkway Tax Increment Redevelopment Plan and Redevelopment Project, designating the Roosevelt Road/Fabyan Parkway Redevelopment Project Area, and adopting tax increment financing for the Roosevelt Road/Fabyan Parkway Redevelopment Project Area; the Roosevelt Road/Fabyan Parkway Redevelopment Plan and Project, City of West Chicago and the Eligibility Study for the Roosevelt Road/Fabyan Parkway Redevelopment Project and Plan dated July 2017, prepared by Camiros, Ltd.; and after considering all of said matters did agree by a majority vote of

the members of the Joint Review Board present that the proposed Roosevelt Road/Fabyan Parkway Redevelopment Plan and Project, City of West Chicago, Illinois dated July 2017 be approved and that the Roosevelt Road/Fabyan Parkway Redevelopment Project Area satisfies the eligibility criteria defined in Section 11-74.4-3 of the Act.

NOW, THEREFORE, BE IT RESOLVED, the Joint Review Board does hereby submit its recommendation to the City of West Chicago, Illinois that the proposed Roosevelt Road/Fabyan Parkway Redevelopment Plan and Redevelopment Project, City of West Chicago, Illinois, draft dated July 2017 be approved and that the Roosevelt Road/Fabyan Parkway Tax Increment Redevelopment Project Area satisfies the eligibility criteria defined in Act.

[Signatures of Consenting Members Appear on Following Page]

DATED this 12th day of September, 2017.

_____, CHAIRMAN

Representative of West Chicago

Representative of DuPage County

Representative of Winfield Township

Representative of West Chicago Elementary School District 33

Representative of West Chicago Community High School District 94

Representative of College of DuPage District 502

Representative of Warrenville Park District

Representative of West Chicago Fire District

Representative of West Chicago Library District

Public Member

CITY OF WEST CHICAGO

PUBLIC AFFAIRS COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE: Ordinance No. 17-O-0041

Amending Chapter 11, Article II, Division 6, ANIMAL CONTROL
AND CARE of the West Chicago Code of Ordinances

AGENDA NO. 9. D.

FILE NO. _____

AGENDA DATE: October 23, 2017

COUNCIL AGENDA DATE: November 6, 2017

STAFF REVIEW: Michael Uplegger, Chief of Police

SIGNATURE _____

APPROVED BY CITY ADMINISTRATOR: Michael Guttman

SIGNATURE _____

ITEM SUMMARY:

Staff would like to revise the City Code with regards to animal regulations so that it includes a section on animals that make disturbing noises, such as a barking dog. This will allow us to write tickets for this particular type of violation of the Ordinance.

ACTIONS PROPOSED:

Staff recommends adoption of Ordinance No. 17-O-0041.

COMMITTEE RECOMMENDATION:

The Public Affairs Committee voted 6-1 to adopt Ordinance No. 17-O-0041.

ORDINANCE NO. 17-O-0041

**AN ORDINANCE AMENDING CHAPTER 11, ARTICLE II, DIVISION 6,
ANIMAL CONTROL AND CARE, OF THE WEST CHICAGO CODE OF ORDINANCES**

WHEREAS, the City of West Chicago (hereinafter referred to as “City”) is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City is authorized and empowered, under the Illinois Municipal Code, 65 ILCS 5/11-20-5 to regulate for the public health; and

WHEREAS, the City is authorized, pursuant to its police power, 65 ILCS 5/11-1-1, to carry out the powers delegated to it under its grants of authority; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of West Chicago, DuPage County, Illinois, as follows:

Section 1: That Chapter 11, OFFENSES AND MISCELLANEOUS PROVISIONS, Article II. OFFENSES, Division 6, ANIMAL CONTROL AND CARE of the Code of Ordinances of the City of West Chicago be amended to read as follows:

Chapter 11 OFFENSES AND MISCELLANEOUS PROVISIONS

“Article II

DIVISION 6. - ANIMAL CONTROL AND CARE

Sec. 11-76. - Purpose.

The purpose of this article is to provide harmonious relationships in the interaction between man and animal by:

- A. Protecting the citizens of West Chicago from rabies by specifying such preventive and control measures as may be necessary;
- B. Protecting animals from improper use, abuse, neglect, inhumane treatment and health hazards, particularly rabies;
- C. Providing security to residents from annoyance, intimidation and injury from dogs and other animals;
- D. Encouraging responsible pet ownership; and
- E. Providing for the assessment of penalties for violators and for the enforcement and administration of this article

Sec. 11-77. - Definitions

As used in this article, the following words are defined.

Administrator: The licensed veterinarian appointed by the DuPage County Board pursuant to the Illinois animal control act or his authorized representative.

Animal: Any live vertebrate creature except man.

Animal capable of transmitting rabies: All animals classified as mammals.

Animal control warden: A DuPage County employee appointed by the administrator.

Animal Shelter: A facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. "Animal shelter" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 which operates for the above mentioned purpose in addition to its customary purposes.

Bird: Any flying vertebrate that is covered with feathers.

Bite: Seizure of a person or animal with the jaws or teeth of any cat, dog or other animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of such cat, dog or other animal with any break or abrasion of the skin.

Cat: All members of the classification, *Felis catus*.

Companion animal: An animal that is commonly considered to be, or is considered by the owner to be, a pet. "Companion animal" includes, but is not limited to, canines, felines, and equines.

Confined: Restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public.

Control: Any owned animal that is either secured by a leash or lead, under voice control, contained by invisible fence or within the premises of its owner or another person with the consent of the person and prevented from leaving said premises by some suitable barrier or restriction, or confined within a crate or cage, or confined within a vehicle.

Dangerous animal: Includes any of the following types of animals regardless of past behavior: lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, any hybrid thereof, or any other similar feline animal; bear, hyena, wolf, coyote, wolf-dog or coyote-dog hybrid; any member of the crocodilian family; poisonous reptiles, or any other life threatening reptile; or any other animal which is wild by nature and not usually tamed ("feral naturae") in the eyes of the law.

Dangerous dog: Any individual dog, as defined by DuPage Animal Control and Care, anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or a dog that, without justification, bites a person and does not cause serious physical injury.

Department: The Department of Agriculture of the State of Illinois.

Dog: All members of the classification *Canis familiaris*.

Domestic animal: Any animal which has been domesticated by man so as to live and breed in a tame condition.

Enclosure: A fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

Feral cat: Any cat that is undomesticated or untamed or has returned to an undomesticated or untamed state and is living uncontrolled in the wild.

Guard dog: A dog used in a commercial business or by a municipal or police department for the purposes of patrol and protection.

Guide dog: A dog trained by a recognized organization to lead the legally blind.

Impounded: Taken into the custody of the public animal control facility in the city, town, or county where the animal is found.

Inoculation against rabies: The injection of a rabies vaccine approved by the Illinois Department of Agriculture and administered by a licensed veterinarian in accordance with the company's recommendations for the vaccine used.

Intact animal: An animal that has not been spayed or neutered.

Leash: A cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.

Licensed veterinarian: A veterinarian licensed by the State in which he engages in the practice of veterinary medicine.

Owner: Any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program.

Person: Any individual, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the State, or any other business unit.

Police animal: An animal owned or used by a law enforcement department or agency in the course of the department or agency's work.

Pound or animal control facility: Any facility licensed by the Illinois Department of Agriculture and approved by the administrator for the purpose of enforcing this article and used as a shelter for seized, stray, homeless, abandoned or unwanted animals.

Service animal: Means an animal trained in obedience and task skills to meet the needs of a person with a disability.

Stray animal: Any owned animal that is not controlled.

Vicious dog: A dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon three (3) separate occasions.

Voice control: The immediate recall of an animal at the sound of the voice of the owner.

Wolf-dog or coyote-dog hybrid: Any animal that results from the cross breeding of a wolf or coyote with a dog.

Sec. 11-78. – Animal Care

- A. No owner shall fail to provide his animals with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. Proper shelter and protection from the weather shall be defined as for a dog to be a building, moisture proof, with a dry floor and adequate and clean bedding material. A horse shall need a building of a least three (3) walls and a roof. It shall have a dry floor with clean and adequate bedding of straw, chips or other suitable material.-The inside dimensions of the building shall have a measured area (length times width) of at least three (3) times the length of the animal. For a horse the dimensions shall be five (5) times the length of the animal. The length of the animal is the distance from the nose to base of tail.
- B. No person shall beat, torment, overload, overwork or otherwise abuse an animal.
- C. No person shall own, keep, harbor, or otherwise maintain within the City, any breeds of fowl that are or will be used in the pursuit of and staging of cockfighting on any premises.
- D. No person shall promote, conduct or carry on, advertise, collect money or in any other manner assist in the presentation for purposes of sport, wagering, or entertainment, any show, exhibition, program, or other activity involving a fight between two (2) or more animals or any animal or human, or the intentional killing or injuring of any animal nor any simulated version of the same that involves baiting or inciting an animal toward intent to fight.
- E. No person shall hold a greased pig contest.
- F. No person shall be permitted to keep animals in violation of the "Illinois Humane Care for Animals Act" or the "Illinois Animal Welfare Act".
- G. No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.
- H. No person shall keep any animal within a building or upon any premises without food, water or proper care and attention for a period of time sufficient to cause undue discomfort or suffering. If the owner cannot be located after reasonable search, or if the owner shall be known to be absent due to injury, illness, incarceration or other involuntary circumstances, it shall be the duty of the Officer/Community Service Officer to act upon the complaint as directed by the "Illinois Humane Care for Animals Act".
- I. No person shall give away or use any live animal as a prize for or as an inducement to enter any contest, game or other competition or as an inducement to enter a place of amusement or offer such animal as an incentive to enter any business agreement whereby the offer was for the purpose of attracting trade.

- J. No person shall bring or cause to have brought into the City, sell, offer for sale, barter or display living baby chicks, ducklings or other fowl or rabbits which have been dyed, colored or otherwise treated so as to impart to them an artificial color, or give away as pets or sell, offer for sale, barter or give away at no cost or as novelties or prizes. Nothing in this subsection shall be construed to prohibit legitimate commerce in poultry for agricultural or food purposes.
- K. No person may knowingly poison or cause to be poisoned any domesticated animal. The only exception will be written permit from the Illinois Department of Agriculture for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a permit shall name a person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to ensure the safety of humans and other animals. Any drugs for euthanasia shall be administered by a licensed vet or a certified euthanasia technician.
- L. No person shall kill or wound, attempt to kill or wound or take the nest or eggs or young of any bird that is protected by federal or state law. Birds that are not regulated by the Illinois Department of Conservation are excluded from this restriction during the period of regulation.
- M. No person shall kill or wound, or attempt to kill or wound, or take or attempt to take any fish or wildlife in violation of any federal or state law or regulation.
- M. No person shall keep or permit to be kept or display for exhibition purposes any wild animal contrary to federal, state and local laws or regulations.
- N. No person shall permit at any time his animal to:
1. Run uncontrolled;
 2. Make disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is being kept or harbored;
 - ~~1-3.~~ Molest persons or vehicles by chasing, barking or biting;
 - ~~2-4.~~ Attack other animals;
 - ~~3-5.~~ Damage property other than the owner's.
- O. No person shall allow cat or dog feces to accumulate in any yard, pen or premises in or upon which a cat or dog shall be confined or kept so that it becomes offensive to those residing in the vicinity or a health hazard to the residing cat or dog.
- P. No person shall fail to remove feces deposited by his cat or dog, except guide dogs, upon the public ways or within the public places of the City or upon the premises of any person other than the owner without that person's consent.
- Q. No person shall leave any animal unattended in a motor vehicle or enclosed trailer when the outside temperature shall exceed thirty (30) degrees Celsius (86° F) or contain any animal in such manner that said animal does not have proper air circulation while confined in a motor vehicle, trailer, kennel, dog house, or any type of container or structure in which an animal may be confined.
- R. No person shall own any animal which is known to be infected with, or an animal which an owner should know is infected with, any disease transmissible to other animals or man, including severe parasitism, unless such animal shall be confined in such a manner as not to expose other animals or man.

- S. Any animal which is on any public way or public place and which appears to be injured or severely diseased and for which care is not being provided on the scene by the owner or any injured or severely diseased animal that has strayed onto private premises shall be removed, if possible, to the care of the DuPage County Department of Animal Care and Control, or to the nearest veterinarian or veterinary hospital willing to accept same without guarantee of payment. If immediate removal shall not appear practical or possible or if the removed animal is in critical condition such animal may be deprived of life by the most humane method available on the scene unless the owner shall come forward beforehand and assume responsibility for immediate removal and care.
- T. Any person who, as the operator of a motor vehicle, strikes an animal shall stop at once and render such assistance as may be possible; or shall immediately report such injury to the animal owner, if known; or to the appropriate law enforcement agency.
- U. Any person having a dead animal within his possession or control or upon any premises owned or occupied by such person without the proper permit shall dispose of the dead animal in compliance with the Illinois Dead Animal Disposal Act.
- V. Every person in possession or control of any stable or place open for public use where any animals are kept, shall maintain the stable or place at all times in a clean, sanitary condition and conform to Illinois Fire Prevention Regulations.
- W. No person shall chain or leash a dog unattended outside unless the chain is at least twelve (12) feet long so as to allow for adequate exercise and freedom of movement and the period of confinement is less than thirty (30) minutes. The use of the term "unattended" shall for the purposes of this subsection be defined as the absence of an owner or other care taker of a dog from the premises where the dog is located.
- X. No person driving a motor vehicle shall transport any animal in the back of the vehicle in a space intended for any load on the vehicle unless the space is enclosed or has side and tail racks to a height of at least forty-six (46) inches extending vertically from the floor, the vehicle has installed means of preventing the animal from being discharged, or the animal is cross tethered to the vehicle, or is protected by secured container or cage in a manner which will prevent the animal from being thrown, falling or jumping from the vehicle.
- Y. Nothing in this article shall prohibit the use of traps designed to kill pests or vermin such as mice, rats, gophers or moles when used for their intended purpose.

Sec. 11-79. – Rabies Vaccination

- A. Every owner, except animal shelters, animal impounding facilities and laboratory animal facilities, of a cat or dog four (4) months or more of age shall cause such cat or dog to be inoculated with rabies vaccine by a licensed veterinarian at such intervals as approved by the Illinois Department of Agriculture. The rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the Illinois Department of Agriculture.
- B. Evidence of such rabies inoculation shall be entered on a certificate approved by the DuPage County Board. Veterinarians who inoculate a cat or dog shall procure from the DuPage County Animal Care and Control serially numbered tags, one (1) to be issued with each inoculation certificate. Only one (1) cat or dog shall be included on each certificate. Upon change of ownership application shall be made for a new inoculation certificate. Such tags shall be attached to the collar or harness worn by the cat or dog which the tag was issued when the cat or dog is off the property of the owner.

Sec. 11-80. - Biting Animal Capable of Transmitting Rabies

- A. It shall be unlawful for any person knowing that an individual has been bitten by an animal to refuse to notify, within twenty-four (24) hours, the police or other officer with the delegated authority who are responsible for the area in which the bite occurred.
- B. When the administrator receives information that any person has been bitten by an animal the administrator shall have the owner confine the biting animal under observation of a licensed veterinarian for a period of ten (10) days beginning within twenty-four (24) hours of the biting incident. All dogs and cats under observation, owned by a resident of the City, shall be implanted with a microchip approved by the administrator at the time of the first examination unless the animal is to be euthanized. The microchip number shall be reported to DuPage Animal Care and Control with the DuPage County Rabies Observation Notice. The biting animal may be confined in the house of its owner in a manner which will prohibit it from biting any person or animal if the administrator or other licensed veterinarian adjudges such confinement satisfactory.
 - 1. When the biting animal is currently inoculated with rabies vaccine the animal's health shall be reported by the veterinarian to the DuPage County Animal Care and Control on the first and tenth days of the observation period for rabies.
 - 2. When the biting animal is not currently inoculated with rabies vaccine the animal's health shall be reported by the veterinarian to the DuPage County Animal Care and Control on the first, fifth and tenth days of the observation period for rabies.
 - 3. When the biting animal is not currently inoculated with rabies vaccine and the owner refuses to have the animal examined by a veterinarian, DuPage County Animal Care and Control shall impound the animal for a period of ten (10) days. If the animal is not reclaimed by the owner within five (5) days of the end of the observation period, the animal will be euthanized.
- C. Confirmation of the health of the biting animal shall be sent by the veterinarian to the DuPage County Animal Care and Control within twenty-four (24) hours of the first and final examinations. Official forms shall be provided by DuPage County Animal Care and Control.
- D. When an animal confined for biting shows signs of rabies or acts in a manner which would lead a person to believe that an animal may have rabies, the owner or veterinarian shall notify the administrator immediately by telephone or in person of these signs. The administrator shall immediately notify the physician attending the bitten person or responsible health agency as soon as he receives notice of such signs.
- E. If the animal confined is determined not to be infected with rabies at the end of the period of confinement it shall be released from quarantine. The animal owner shall show proof of rabies inoculation for cats and dogs and shall pay any fee, charge or penalty including any fee for veterinary services attributed to the bite. A confined animal, when not redeemed by the owner may be disposed of in accordance with the Illinois state law.
- F. It shall be unlawful for the owner of a biting animal to euthanize, sell, give away or otherwise dispose of or have inoculated against rabies the animal known to have bitten a person until it has been released from confinement for observation for rabies by the administrator. It shall be unlawful for the owner of such animal to refuse or fail to comply with the written or printed instructions made by the administrator. If such instructions cannot be delivered in person they shall be mailed to the owner of such animal by regular mail, postage prepaid. The affidavit or testimony of the administrator delivering or mailing such instructions is prima facie evidence that the owner of such animal was notified of his responsibilities.

Sec. 11-81. – Rabies Case Procedure

- A. It shall be unlawful for the owner of an animal which shows signs of rabies or which acts in a manner which would lead a person to believe that such animal may have rabies to fail to notify the local police immediately by telephone or in person.
- B. The administrator shall investigate each report of an animal which shows signs of rabies or acts in a manner which would lead a person to believe that the animal may have rabies. Upon determination by the administrator or a licensed veterinarian that an animal may be infected with rabies, the owner of such animal shall be required by the administrator to surrender the animal to the administrator or a licensed veterinarian for confinement for a period of time as determined by the Illinois Department of Agriculture.
- C. When the animal confined is determined to be infected with rabies by the examining veterinarian the administrator shall order the animal humanely destroyed. A copy of this order shall be given to the owner of the animal or mailed to the last known address of the owner. Any animal capable of transmitting rabies in direct contact with the rabid animal whether or not the exposed animal has been inoculated with rabies shall be confined as recommended by the administrator. The administrator may order the exposed animal euthanized.
- D. If the animal confined is determined not to be infected with rabies at the end of the period of confinement it shall be released to the owner of such animal upon presenting proof of a current rabies inoculation certificate for cats and dogs and payment of any fee, charge or penalty including any fee for veterinary services. If the animal is not redeemed by the owner, the animal may be disposed of in accordance with Illinois State Law.
- E. Whenever a case of rabies has occurred in a locality, or whenever the proper officials of a government unit are apprehensive of the spread of rabies, the administrator shall act as directed by the rules and regulations of the Illinois Department of Agriculture.

Sec. 11-82. Stray Animals.

- A. Whenever an Officer or Community Service Officer observes or is informed that an animal is roaming freely and not under the control of the owner, the animal shall be immediately apprehended and impounded. Any person may apprehend a stray animal and inform the local police or the administrator so that the stray animal can be impounded.
 - 1. All stray animals impounded shall have a record. The record shall include the owner's name, address and telephone number, if known; species or breed, color, sex and physical condition of the animal; license or tag number, if known; and the time and date impounded.
 - 2. The stray animal owner is responsible for all costs relating to the apprehension and impoundment of the animal found not under control.
 - 3. Owners of any dog or cat adopted from DuPage County Animal Care and Control shall have the animal examined by a veterinarian within seven (7) days of adoption and receive any necessary vaccinations and medications. The adopting owner shall not sell the animal nor use it in any way as a source of revenue. The adopting owner shall not give away or dispose of in any manner the animal within one (1) year of the date of adoption without the approval of the administrator.

Sec. 11-83. Restrictions on Controlled Cats and Dogs

- A. Cats and dogs shall not be permitted to enter any place where food is processed for human consumption. Guide dogs and Guard Dogs used in food establishments are exempt from this restriction.
- B. Cats and dogs, except guide dogs, shall not be present at or upon any school premises, public playground or public swimming pool unless official written permission has been granted by the public agency or its agent owning the property. At no time shall cats and dogs be permitted in any sand box or sand piles in which children play.

Sec. 11-84. Female Cats and Dogs in Heat

All cats and dogs in heat (estrus) shall be confined in a building or secure enclosure and attended in such a manner that such female cat or dog cannot come into contact with a male of the same species except for planned breeding.

Sec. 11-85. Certain Animals Prohibited

Possession of a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, any hybrid thereof, or any other similar feline animal, bear hyena, wolf coyote, wolf-dog or coyote-dog hybrid, any member of the crocodilian family, poisonous reptile, or any other life threatening reptile or any other animal which is feral naturae in the eyes of the law shall be prohibited except by any person or institution possessing state and/or federal permits enabling them to keep such animals.

Possession of any roosters, chickens or any similar fowl, or hybrid thereof is also prohibited.

Sec. 11-86. Vicious Dogs

The applicable sections of the Illinois Animal Control Act, including, but not limited to, 510 Illinois Compiled Statutes Sections 5/15 and 5/26 are hereby incorporated as if set forth fully herein relative to the regulations of vicious dogs within the City.

Sec. 11-87. Limit on number of animals

There shall be a maximum limitation per household of three (3) domestic animals; provided however, that any newborn animals shall be allowed to remain in the household despite the limitation of this section for up to four (4) months from the date of birth. Every animal exceeding the limit per household is subject to impoundment.

Sec. 11-88. Invisible Fencing

Persons who utilize "invisible fencing" to contain any animal must display prominently on their property immediately adjacent to the public right-of-way a sign, **no more than one square foot in area**, which indicates that any animal located thereon is contained by way of "invisible fencing." Invisible fencing installed after July 3, 2017, must be set back from the public right-of-way a minimum of four (4) feet.

Sec. 11-89. Violations; Punishments

Violations of this section may be abated pursuant to the procedures set forth in section 10-4 of this Code. In addition, anyone violating this section shall be subject to the penalty set forth in section 1-8 of this Code.”

Secs.11-90. – Reserved.”

Section 2. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed

Section 3. That 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 6th day of November 2017.

Alderman J. Beifuss	_____	Alderman L. Chassee	_____
Alderman J. Sheahan	_____	Alderman H. Brown	_____
Alderman A. Hallett	_____	Alderman Michael Ferguson	_____
Alderman Birch Ferguson	_____	Alderman S. Dimas	_____
Alderman K. Meissner	_____	Vacant – Ward 5	_____
Alderman R. Stout	_____	Alderman G. Garcia	_____
Alderman N. Ligino-Kubinski	_____	Alderman B. Gagliardi	_____

APPROVED as to form: _____
City Attorney

APPROVED this 6th day of November 2017.

Mayor, Ruben Pineda

ATTEST:

City Clerk, Nancy M. Smith

PUBLISHED: _____