

**VILLAGE OF BARTLETT**  
**BOARD AGENDA**  
**OCTOBER 6, 2015**  
**7:00 P.M.**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE**
5. **\*CONSENT AGENDA\***

*All items listed with an asterisk\* are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Board member so requests, in which event, the item will be removed from the General Order of Business and considered at the appropriate point on the agenda.*

\*6. **MINUTES:** Board & Committee Minutes –September 15, 2015

\*7. **BILL LIST:** October 6, 2015

8. **TREASURER’S REPORT:** None

9. **PRESIDENT’S REPORT:** 2015 Pride in Ownership Awards

10. **QUESTION/ANSWER: PRESIDENT & TRUSTEES**

11. **TOWN HALL:** (Note: Three (3) minute time limit per person)

12. **STANDING COMMITTEE REPORTS:**

A. **PLANNING & ZONING COMMITTEE, CHAIRMAN REINKE**

1. Mr. Carwash Site Plan Amendment

B. **BUILDING COMMITTEE, CHAIRMAN HOPKINS**

No Report

C. **FINANCE & GOLF COMMITTEE, CHAIRMAN DEYNE**

No Report

D. **LICENSE & ORDINANCE COMMITTEE, CHAIRMAN ARENDS**

1. New Massage and Bodywork Approach License Amendment
2. New Business License Ordinance Amendment

E. **POLICE & HEALTH COMMITTEE, CHAIRMAN CARBONARO**

No Report

F. **PUBLIC WORKS COMMITTEE, CHAIRMAN CAMERER**

1. WWTP RFQ for Engineering
- \*2. Purchase of Wheel Loader Truck

13. **NEW BUSINESS:**

14. **QUESTION/ANSWER: PRESIDENT & TRUSTEE**

15. **ADJOURNMENT**



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1. CALL TO ORDER

President Wallace called the regular meeting of September 15, 2015 of the President and Board of Trustees of the Village of Bartlett to order on the above date at 7:00 p.m. in the Council Chambers.

2. ROLL CALL

PRESENT: Trustees Arends, Camerer, Carbonaro, Deyne, Hopkins, Reinke, President Wallace were present.

ABSENT: None

ALSO PRESENT: Village Administrator Valerie Salmons, Assistant Village Administrator Paula Schumacher, Assistant to the Village Administrator Scott Skrycki, Finance Director Jeff Martynowicz, Director of Public Works Dan Dinges, Public Works Engineer Bob Allen, Community Development Director Jim Plonczynski, Building Director Brian Goralski, Head Golf Professional Phil Lenz, Chief Kent Williams, Deputy Chief Joe Leonas, Village Clerk Lorna Giless and Attorney Katherine S. Janega.

3. INVOCATION

Jim DiPalma for World Overcomer's Church of Bartlett did the invocation along with a special blessing to the Mraz family.

4. PLEDGE OF ALLEGIANCE

5. CONSENT AGENDA

President Wallace stated that all items marked with an asterisk on the Agenda are considered to be routine and would be enacted by one motion. He further stated that there will be no separate discussion of these items unless a Board member so requests, in which event, that item will be removed from the Consent Agenda and considered at the appropriate point on the Agenda. He asked if there were any items a Board member wished to remove from the Consent Agenda, or any items a Board member wished to add to the Consent Agenda.

Trustee Reinke stated that he would like to add item 1 under the Planning & Zoning (Ordinance 2015-72, Zoning Ordinance Text Amendment-Increase Building Height) to the Consent Agenda.

Trustee Carbonaro stated that he would like to add item 3 under the Public Works (Purchase of 2 International Dump Trucks) to the Consent Agenda.



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Trustee Hopkins moved to amend the Consent Agenda and all items contained therein, and that motion was seconded by Trustee Deyne.

**ROLL CALL VOTE TO AMEND THE CONSENT AGENDA**

AYES: Trustees Arends, Camerer, Carbonaro, Deyne, Hopkins, Reinke  
NAYS: None  
ABSENT: None  
**MOTION CARRIED**

Trustee Camerer moved to approve the Amended Consent Agenda and all items contained therein, and that motion was seconded by Trustee Deyne.

**ROLL CALL VOTE TO APPROVE THE AMENDED CONSENT AGENDA**

AYES: Trustees Arends, Camerer, Carbonaro, Deyne, Hopkins, Reinke  
NAYS: None  
ABSENT: None  
**MOTION CARRIED**

**6. MINUTES**

Trustee Carbonaro moved to approve the Board and Committee Minutes from September 1, 2015 and that motion was seconded by Trustee Camerer.

**ROLL CALL VOTE TO APPROVE THE BOARD AND COMMITTEE MINUTES FROM SEPTEMBER 1, 2015**

AYES: Trustees Camerer, Carbonaro, Deyne, Hopkins, Reinke  
NAYS: None  
ABSENT: None  
ABSTAIN: Trustee Arends  
**MOTION CARRIED**

7. BILL LIST – Covered and approved under the Consent Agenda.
8. TREASURER'S REPORT - None
9. PRESIDENT'S REPORT - None
10. QUESTION/ANSWER: PRESIDENT & TRUSTEES - None



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11. TOWN HALL

**Joel Mercurio, 226 Burnside Circle**

Mr. Mercurio stated that on September 3<sup>rd</sup> he came to the Village Hall with some code enforcement issues. He was asking for some organizational data from the Main office and he was told to go to the website. When he went to Community Development the secretary from the Main office called up and asked if everything was okay. He brought this matter to Lorna Giless to report to Valerie Salmons. He asked for Ms. Salmons to give him a phone call. The next day, September 4<sup>th</sup>, he called back and still received no return call from Ms. Salmons. He asked for the Village Board to take a look at the customer relations policy. He had another problem with Public Works where he mentioned that a tree branch that was broken on the corner of Stearns and Country. He called back on September 11<sup>th</sup> and asked Lorna Giless to call Public Works. At this point, his issues were resolved. He asked what the reasonable time was for a return phone call to a resident from a Village employee. He wanted to know what the customer relations policy was and he wanted it to be reviewed by all departments. In his opinion, he felt that this was not a welcoming Village Hall. He hoped that the Village Administrator didn't think that she was above everyone else. He stated that he reported to code enforcement that Centennial school had three dead ash trees and the library had one dead ash tree. Code Enforcement informed him that they would ask the Library District and the School District to kindly remove the trees. He felt that he was given a ticket for this violation when he had a dead ash tree on his property. Is there a double standard on private property and taxing bodies?

Administrator Valerie Salmons stated that during the time frame that he was calling she was out of town and there were four different staff members dealing with his issues and she made sure that there were different departments dealing with his different issues every single time he called. In terms of the service level, there was nothing lacking.

Mr. Mercurio asked why he never received a return phone call from her.

V. Salmons stated again that four different employees were dealing with his issues at that time frame.

Mr. Mercurio again asked why there was no phone call made to him.

President Wallace stated that they will make sure that someone communicates to him what the customer service policy is as far as the follow-up, feedback and the timeframe that he should expect to get that. He asked him to send the Board a note as far as what transpired and they would take a look at it.

Mr. Mercurio asked why there was no phone call from Public Works.



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Trustee Deyne stated that he doesn't mean to be rude, but he felt that they were just belaboring this to a point where the questions can't be answered at this time. He stated that he didn't understand what he was talking about or what the complaint or the phone calls were about. He stated that he can't make any type of decision based on what he has been saying. He stated that there were four staff people working on his problems. He asked him to please respect what the Mayor has asked him to do and put it in writing so they can all take a look at it. He asked him not to belabor this any longer because it wasn't going anywhere. He thanked him for coming out and expressing this issue.

12. STANDING COMMITTEE REPORTS

A. PLANNING & ZONING COMMITTEE, CHAIRMAN REINKE

Trustee Reinke stated that Ordinance 2015-72, An Ordinance Amending the Bartlett Zoning Ordinance to Allow a Building Height of forty-Five (45) Feet in the I-1, Light Industrial District & I-2 EDA Economic Development Area Overlay District was covered and approved under the Consent Agenda.

B. BUILDING COMMITTEE, CHAIRMAN HOPKINS

Trustee Hopkins stated that there was no report.

C. FINANCE & GOLF COMMITTEE, CHAIRMAN DEYNE

Trustee Deyne presented Resolution 2015-73-R, A Resolution Approving Amendments to the FY' 2014-15 Budget.

Finance Director Jeff Martynowicz stated that amendments are made to the budget when any individual fund is expected to exceed the original budget or when an interfund transfer will be higher than originally budgeted. He stated that they have two budget amendments this evening. The 2014/15 budget had \$337,500 budgeted for the removal of diseased and dead emerald ash borer trees. The Village's contractor and Public Works department were able to expedite the removal of the trees during the fiscal year. The line item for the removal of trees went over budget by \$836,502. Those dollars were set aside and only because they expedited the program did they overspend in that year. He is requesting a budget amendment in the developer deposits fund.

In the Brewster Creek TIF Project Fund, the 2014/15 budget included principal payment of notes in the amount of \$700,000. One of the positive things that's happening in the Brewster Creek TIF Project Fund is that property tax increment is coming in with a significant amount to pay the bonds and the notes. The developer has the option of making additional principal payments if the increment is enough to do that. He is requesting a budget amendment in the amount of \$690,000 to cover the additional



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principal payments that were made on the notes last fiscal year. The total budget amendments are \$1,526,502.

Trustee Deyne moved to approve Resolution 2015-73-R and that motion was seconded by Trustee Camerer.

Trustee Reinke clarified that they were not spending more money on the program, they are just spending the money earlier to get the project completed. He stated that it was similar with regards to the TIF note payment.

J. Martynowicz stated that the TIF increment is coming in higher than expected and the developer can request additional principal to be paid back on the notes. He stated that it is actually a good thing and they have retired a note through the process.

**ROLL CALL VOTE TO APPROVE RESOLUTION 2015-73-R APPROVING AMENDMENTS TO THE 2014-15 BUDGET**

AYES: Trustees Arends, Camerer, Carbonaro, Deyne, Hopkins, Reinke

NAYS: None

ABSENT: None

**MOTION CARRIED**

Trustee Deyne stated that Resolution 2015-74-R, a Resolution Approving of Disbursement Request for Payout No. 28 from the Subordinate Lien Tax Increment Revenue Note, Series 2007 for the Elmhurst Chicago Stone Bartlett Quarry Redevelopment Project was covered and approved under the Consent agenda.

**D. LICENSE & ORDINANCE COMMITTEE, CHAIRMAN ARENDS**

Trustee Arends stated that the Bartlett High School Student Council Parade Request and Fireworks Display Request, Jain Society Amplifier Permit requests for September 27th and October 4th were covered and approved under the Consent Agenda.

**E. POLICE & HEALTH COMMITTEE, CHAIRMAN CARBONARO**

Trustee Carbonaro stated that there was no report.

**F. PUBLIC WORKS COMMITTEE, CHAIRMAN CAMERER**

Trustee Camerer stated that bids for the Public Works Building Expansion were opened on August 6, 2015. Three bids were received ranging from \$497,821 to \$679,000. The project includes an addition of approximately 3,200 square feet for offices, lunch/training room and locker room. As they have seen on some other projects this year, the



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contractors are busy and therefore costs have escalated more than anticipated. They are working with the architects to re-design the project to bring costs down and will be looking at having public works employees do as much of the work as they can to help with costs. They plan to have the employees do all excavation work, utility extensions, painting, cabinet and locker installations, etc. They are also considering purchasing the materials and hiring the trades (plumber, electrician, etc.) to install them. They would act as the general contractor which they believe would be an additional savings. They recommend the Village Board reject all bids.

Trustee Camerer moved that the Village Board reject all bids for this project and was seconded by Trustee Deyne.

President Wallace asked about the winter conditions and asked if it would speed the project up if they spent the extra \$97,000 and got it done.

Public Works Director Dan Dinges stated that they are right on the borderline. Concrete prices change for winter concrete on November 1 so they would be pushing it very tight at this point. He stated that he believed that they would be able to bring this below budget if they general it themselves and work with the architect. They have some redesigning because the original design used structural columns and beams which required a crane and steelworkers. They are now going toward a frame and joists for the roof which will be basically carpentry work. This simplifies things and the architect feels that this will bring the cost down. If they go out for a full bid they will still not be able to get it done before winter. He stated that they would like to get it done as quickly as possible but feels that they could save money by waiting until spring.

Trustee Camerer stated that he likes the idea of the employees that are quite capable of being able to do this work and not only will they save \$97,000 but perhaps even more if they come under budget.

D. Dinges stated that the employees are excited about this project and he thinks they will have a little more ownership in it also.

**ROLL CALL VOTE TO REJECT ALL BIDS FOR PUBLIC WORKS BUILDING EXPANSION**

**AYES:** Trustees Arends, Camerer, Carbonaro, Deyne, Hopkins, Reinke

**NAYS:** None

**ABSENT:** None

**MOTION CARRIED**



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Trustee Camerer stated that Resolution 2015-75-R, A Resolution Awarding the 2015-16 Bulk Road Salt Purchase Between The Village of Bartlett and Cargill Incorporated Salt Division was covered and approved under the Consent Agenda.

Trustee Camerer stated that the purchase of two International Dump Trucks with Plows, Spreader and Salt Pre-Wetting Equipment through the State of Illinois Joint Purchase to Rush Truck Centers of Springfield, in the amount of \$224,714 was covered and approved under the Consent Agenda.

**13. NEW BUSINESS**

Trustee Deyne stated that it was Trustee Arends birthday last week and he wanted everyone to know that the Head Golf Professional at Bartlett Hills, Phil Lenz, also has a birthday today.

Trustee Hopkins stated that he heard that St. Charles tried to pass an ordinance to limit video gaming even though they don't have it. He was wondering if the Village Attorney could look at that and give us her opinion on it.

President Wallace stated that they took a little different approach. We were looking at the kitchen requirement and they took the approach of having a liquor license for 365 days before they could have video gaming. He asked that this be added to the potential ways of analyzing these new businesses.

Trustee Hopkins stated that he thought it was important that they limit the video gaming here in town.

Trustee Camerer stated that once the door was "opened" and we allowed video gaming it's opened forever.

Attorney Janega stated that it is not exactly true that you can't "close" the door, it is just that the way it is structured it becomes more difficult.

President Wallace stated that at the beginning they needed to do nothing in order to have them come into your Village. You had to take an action in order to shut the door. As a Village, if you did nothing, they could come in. He asked that they added that to the ways they can investigate future applicants.

**14. QUESTION/ANSWER: PRESIDENT & TRUSTEES - None**



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15. ADJOURNMENT

President Wallace stated that the Board will be going into the Committee of the Whole meeting immediately following the close of this meeting.

There being no further business to discuss, Trustee Arends moved to adjourn the regular Board meeting and that motion was seconded by Trustee Camerer.

ROLL CALL VOTE TO ADJOURN

AYES: Trustees Arends, Camerer, Carbonaro, Deyne, Hopkins, Reinke

NAYS: None

ABSENT: None

MOTION CARRIED

The meeting was adjourned at 7:30 p.m.

Lorna Giles  
Village Clerk

LG/



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President Wallace called the Committee of the Whole meeting to order at 7:21 p.m.

PRESENT: Trustees Arends, Camerer, Carbonaro, Deyne, Hopkins, Reinke, President Wallace were present.

ABSENT: None

ALSO PRESENT: Village Administrator Valerie Salmons, Assistant Village Administrator Paula Schumacher, Assistant to the Village Administrator Scott Skrycki, Finance Director Jeff Martynowicz, Director of Public Works Dan Dinges, Public Works Engineer Bob Allen, Community Development Director Jim Plonczynski, Building Director Brian Goralski, Head Golf Professional Phil Lenz, Chief Kent Williams, Deputy Chief Joe Leonas, Village Clerk Lorna Giless and Attorney Katherine S. Janega

**FINANCE COMMITTEE**

Utility Tax Discussion

Trustee Deyne stated that this discussion was regarding the implementation of a food and beverage tax and he asked the Finance Director to give a little background.

Finance Director Jeff Martynowicz stated that at a previous meeting, staff was asked to take a look at a food and beverage tax. Staff looked at the amount of revenue that a food and beverage tax would generate based upon a 1-4% tax. In calendar year 2014, the Village collected \$284,000 in sales tax from eating and drinking establishments. That is a classification under the Illinois Department of Revenue that looks at these broad areas of how sales tax is generated in each community. He estimated that 1% would generate about \$284,000. The Village has 43 businesses that are currently classified as eating and drinking establishments under the state sales tax criteria. He stated that 2% would generate \$568,000, 3% would generate \$852,000 and 4% would generate a little bit over \$1.1 million. They also looked at similar communities with this tax and Hanover Park has a 3% tax that generates a little bit over a \$1,000,000; Streamwood has a 2% tax that generated \$1,192,000; Villa Park has a 1.5% tax and generated \$537,000; Glendale Heights has a 1% that generated \$470,000.

He stated that he did a little research and the Village of Streamwood has a Monthly Remittance Form (included) that they use. It is a tax that would be administered by the Village and collected by the Village. He also included Streamwood's ordinance that they use to implement this tax. He stated that Trustee Hopkins asked staff to look at the history of the electric and gas tax. In fiscal 2013, the Village collected \$1,482,000 based upon ten months of collection. In 2014 and 2015 they collected a little bit over \$1.75 million. In 2016, the electricity tax was reduced by about \$300,000. He also



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included a chart called "Other Revenue Comparison" from other similar communities. It indicates the revenues in surrounding communities such as the food and beverage tax.

Trustee Camerer commented that the State does not separate what is generated in food and beverage. He questioned what is categorized as "food". Is it point of sale like Jewel.

J. Martynowicz stated "no", it is on "prepared" foods only and would not include grocery stores – only restaurants.

Trustee Hopkins stated that he likes this tax better than the gas tax. He felt that gas was a necessity and he didn't think that this Board should tax a necessity. He felt that if you have food at a restaurant, it is a luxury and they should focus more on that.

Trustee Camerer asked how this tax affects restaurants and businesses. Is it passed on to the individual patron of those businesses or does it affect the business themselves.

J. Martynowicz stated that he would assume the business would pass it on to the consumer.

Trustee Deyne stated that it would show up as the tax portion of it and would not be broken out as a separate account – correct?

J. Martynowicz was not sure how the business would break this out.

Trustee Deyne stated that he has eaten in the surrounding communities before and he never saw it on his bill – it just all showed up as sales tax.

President Wallace stated that even if you eat at McDonalds in Hanover Park, you can see the extra tax at 10% total, which is pretty significant.

J. Martynowicz stated that the businesses are responsible for remitting monthly back to the Village to pay for the tax.

President Wallace stated that there is another step. The businesses that are restaurants have to go through all of the minutia where they have to keep track and pay out quarterly. Smaller businesses will not only have to collect that sales tax but another line item which will have to be put in a pot and given to the Village. It does not come automatically, they will be writing a check to the Village.

Trustee Camerer asked how this would affect the patrons patronizing these restaurants if all of a sudden their food bill is escalated and they decide to not eat out as much or



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drink as much. In a roundabout way we are hurting the business. There is no way to prove that would happen, but in theory, it could. For this amount of taxation, it would be a select amount of people paying to have this money come into the Village. However, the benefits of this taxation of this select group of people that eat out a lot in businesses in Bartlett would still be spending their money that everyone else in the Village would benefit from. Everybody gets their street paved, everybody gets the various things we do as a Village because they pay a portion of their gas or electric as taxation and that funds the Village. Now, it would just be up to the people who eat out a lot.

Administrator Salmons stated that it gives them the opportunity to collect revenue from people who don't live in Bartlett.

President Wallace guessed that would be a smaller percentage.

Trustee Deyne stated that considering the downtown is dyeing, he didn't think they had a lot of people from outside the area coming down here.

President Wallace stated that he understood what Trustee Camerer was getting at and certainly what Trustee Hopkins was saying. The people that have the ability to go out and eat will be paying for some Village services for those that have none.

Trustee Deyne stated that they would have to enact almost 4% of a food and beverage tax to equal \$1.1 million. The current utility tax in 2015 collected \$1.7 million. A 4% tax would still be a \$600,000 shortfall. How are we going to make that up?

J. Martynowicz stated that the Board took the approach last year of phasing out the utility tax.

Trustee Deyne stated that he understood that but it is in effect right now. If it is phased out then that is \$1.7 million gone and we would have to have a 5% food and beverage tax to make up for that.

J. Martynowicz stated that if they eliminated both the electric and gas tax and implemented a food and beverage tax there would be a hole to make up for.

President Wallace stated that they are not mutually exclusive. These are hard numbers and there are 43 businesses here. You can take a look at them and figure out what their sales are and figure out the net impact between the two taxes.

J. Martynowicz stated that they would like to but they can't get that information.

President Wallace stated that you can get it from the business owners if they were willing to give it up.



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Trustee Hopkins stated that he still thought it was a good idea to eliminate the gas utility tax. He thought the electric utility tax was acceptable and there was minimal impact on the residents. He felt that with the gas tax, some residents pay \$3-4 dollars per month and some pay \$40-\$50 per month. There is a big range and he felt it was unfair to make some residents pay so much more than others. He asked if there was a way to just implement a flat fee instead of charging by usage.

J. Martynowicz stated that typically with the gas utility tax, it is a percentage basis. He will have to verify that.

Trustee Hopkins stated that in Hanover Park and Streamwood when it comes to kilowatt hours used on their electric bills there is a price difference. In Bartlett, once you reach 48,000 kilowatts, Bartlett is at 9 cents. Streamwood pays 29 cents and Hanover pays 40 cents per kilowatt hour used once you reach the 48,000 kilowatt hour limit. He thought it was something else they could look at to reduce the gas utility tax in favor of raising it more in line with other communities.

Trustee Reinke stated that he proposes that they encourage people to use less electricity.

Trustee Hopkins stated that this would be geared toward businesses rather than residents. Residents do not hit the 48,000 kilowatt hours per month. If we eliminate the gas tax, it evens out for them.

President Wallace stated that he would like to see a prediction with the fledgling economy of what we will see over the next six months to one year. When we are talking about cutting things like this and making changes, we need to weigh the decision with ways to balance that out.

Trustee Arends stated that before staff goes through that exercise, she felt that she would be hard pressed to put another tax on the businesses. She knows that there are several businesses that are operating on 1% or 2% profit margin. She didn't think the timing on this was right. Perhaps in a year or two they could look at this replacement. There are a lot of businesses that are just hanging on and to change this so the burden is on the business man, she does not have a good feeling. She asked if any other Trustees felt the same way.

Trustee Camerer agreed.

Trustee Deyne stated that he agreed with President Wallace. If we could just project some idea of what may be occurring. None of them knew what is going to happen in



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Springfield. If they freeze the property taxes for two consecutive years, what is that going to do to this Village?

J. Martynowicz stated that they are starting the property tax levy process and the first proposal to the Board will be to keep it flat for the general levy.

Trustee Deyne asked what happens if they cut the sales tax revenue by 50%?

J. Martynowicz stated that would be very problematic.

Trustee Deyne stated that they need to proceed very cautiously.

Trustee Hopkins stated that they could always implement it again. He stated that he looks at the residents and some live on a fixed income. This utility tax is unfair for our residents. A tax on food and beverage is a luxury. People choose to go out and drink or eat and if you spend \$100, at 3%, that is \$3.00. Are you going to notice \$3.00 on a \$100 bill? He did not think many residents would see that. When you go out to eat, you expect to pay.

Trustee Arends stated that she appreciated his position but thought that they have to look at the position of the businesses in town. If a business closes up, it takes a long time for that space to re-open in a retail setting. She just could not see burdening the businesses any further than they already do. They pay the utility tax as well.

Trustee Hopkins stated that when Elgin first wanted to implement a food and beverage tax, some of the business owners came out and said the exact same thing. They are still in business today so he didn't think it is something that will stop people from eating there.

Trustee Arends stated that she would rather hold the food and beverage tax right now rather than eliminate the utility tax and then have to go back to residents and reinstate at a later date.

Trustee Reinke stated that they are very early in this process and they can all commit to a couple of principles. Lesson the burden on the taxpayers, whatever form that is. We don't want to tax businesses or individuals and sometimes that is a distinction without a difference. He favors the people as well as businesses. They need to commit to reducing the tax burden on people and part of that is being fiscally conservative. They worked very hard during the budget process and he really put the Finance Director through the ringer for two years trying to get rid of as much of the budget as humanly possible. Sometimes we are successful and sometimes not. In going forward, we have to be committed to trying to make cuts and exploring the different options. He stated that Trustee Deyne's point is very well taken – if the State cuts our share of the sales



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tax then they will be in trouble. At the same time, he is opposed to the utility tax and he ran on that and still continues to be opposed to the utility taxes. Financially, if we are going to cut electric we should also look at cutting gas and keeping it even and on parity. The revenue generated is not equal but the fact that they are talking about this and studying this was a good thing and they should continue it and come up with ways to cut.

Trustee Deyne stated that there was no doubt that it still deserves discussion. He saw the cuts and the efforts made during the budget discussions and yes they did an outstanding job. What frightens him is that sooner or later we are going to have to pay the piper. Some of these things that were cut will have to eventually be purchased. Where is that going to come from?

Trustee Camerer stated that he was quite proud of the Village and the fact that we probably tax people less than any other Village around. He understands that they don't want to tax people any more but they are already taxing them which is less than any other town and that is to be commended.

Trustee Deyne stated that Trustee Hopkins is right and there are residents that are not the best off.

Trustee Camerer stated that is a small percentage in Bartlett itself. Looking at the median income in Bartlett, it is not at the poverty level. There are people struggling but we certainly have a higher median income in Bartlett statistically.

President Wallace stated that some folks have older houses where gas just seems to flow through. They already have the senior rebates. Perhaps for those on fixed incomes, the Village can make a potentially bigger adjustment for that. Is there a way to create the gas portion of this tax by age of home.

J. Martynowicz stated "no". There may be credits out there but the State statute on the gas utility tax is pretty clear on how you implement it.

President Wallace asked if staff could look at increasing the rebate for fixed income residents.

J. Martynowicz stated that they could take a look at it.

Trustee Deyne stated that they needed to clarify fixed income and the total income that one receives. He stated that at the Township they see people coming in that are living on just their social security and that is like \$15,000 per year. He felt that when you say "fixed income" you must define the total income of the family coming in on an annual basis would be, if that is possible.



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President Wallace stated that you just go by seniors. If they have done well for themselves then they get a rebate. If they are struggling, they also get a rebate.

Trustee Reinke stated that he is not talking about asking people to prove how much they make are we? He is opposed to that.

Trustee Arends stated that they are so far afield from what the original question was. We are talking about how to determine fixed income and if you want to look at proposed figures you must feel that the staff doesn't have enough to do.

President Wallace stated that what he meant to say was the senior rebate and perhaps it may be adjusted.

Administrator Salmons stated that it certainly can.

Trustee Deyne stated that he didn't want to speak for Trustee Hopkins but he didn't think that was the direction he wanted to go.

Trustee Hopkins stated that his direction is to eliminate the gas utility tax and he thought if they looked at ways to adjust the kilowatt hours above 48,000 and put it more in line with the neighboring communities.

J. Martynowicz stated that the kilowatt hours are defined by State statute.

Trustee Hopkins stated that he understood that but Hanover Park is well under that.

J. Martynowicz stated that we didn't max out our rate, we have a variable rate for the electric tax. When we were at 600,000 they were not maxed at all. Those other communities are probably maxed out in the kilowatt hour rate charges. We are very low.

Trustee Hopkins stated that he would like to look at bumping that percentage up and see where we are at and at least try to cut the gas utility tax. He felt that putting the burden on the residents is bad and he thought this would help shift it. The difference between Bartlett (9 cents) and Hanover Park (40 cents) is a huge difference.

J. Martynowicz stated that they had to back into it. The Board wanted to generate \$600,000 and the State gives the rate to generate that amount of money. When they wanted to cut it by \$300,000, they had to back into the rate and the State gives the kilowatt hours to be charged on a tiered basis.

President Wallace thought that was a more responsible way to do it.



**VILLAGE OF BARTLETT  
COMMITTEE MINUTES  
September 15, 2015**

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Trustee Hopkins stated that they don't make that tier because Streamwood and Hanover Park are completely different and don't add up on a percentage basis.

J. Martynowicz stated that he can show him the State statute and how it is written and how they are charged. It is all defined by kilowatt hours and very complex.

Trustee Hopkins stated that it didn't seem that complex when he was reading the Village Code in Streamwood and Hanover Park. It seems like you can adjust. He asked the Village Attorney about this.

Administrator Salmons stated that she was not aware that we could adjust this ourselves but she will look into it.

Trustee Reinke stated that it would help him also to see the rates of other communities and how their rate structures are set up. He asked them to look at the rates for gas also so he could get his mind around it. He stated that this information would be appreciated.

Administrator Salmons stated that she would be happy to do that.

**PLANNING & ZONING**

**Zoning Ordinance Fence Text Amendment**

Trustee Reinke stated that this discussion was regarding an Amendment to the Zoning Ordinance to increase the fence height in residential zoning districts from 3' to 4' in the front and corner side yards and he asked the Community Development Director to give a little background.

Community Development Director Jim Plonczynski stated that this is a text amendment that was generated by the Zoning Board of Appeals as a result of the request for fence variations and the difficulties faced with fence variations. It was proposed a number of years ago and the proposal is to go with a 4' high fence in the corner side and front yard. It is not an intrusive increase and they do sometimes convince people to go with a smaller fence when they ask for a 5' or 6' fence which is not desirable. The Zoning Board felt after a couple of contentious and lengthy zoning variation cases that they had recently for the 5 footers to propose this amendment. If the Board desires it would go back to the Zoning Board for a Public Hearing. They get a lot of requests for these types of fences. They think it will eliminate these variations because the 4' fence is pretty effective in keeping dogs and children inside the yard.



**VILLAGE OF BARTLETT  
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Trustee Deyne stated that he has been looking over case numbers from 1991 to 2015 and in the majority of cases the 5' fence has always been approved by the Zoning Board of Appeals. He asked how many times they get called out for a meeting for a variation on a fence height that you approve?

J. Plonczynski said there are a couple. Mostly this summer, the variations were fences. In the couple of cases they had, it went back and forth with the Zoning Board and it was denied. The petitioner revised his petition and moved it back off the yard. The second time around the Zoning Board recommended approval and it was granted. It took most of the summer. They had a similar case last summer too.

Trustee Reinke asked if he had any concerns increasing the height of the fence in the corner side yard with vision clearance. It seems that would be one of the biggest issues.

J. Plonczynski stated that would still hold true. They define the vision clearance triangle as 35' so the setback would have to meet that requirement. They would be told to lower the fence or cut the corner to not impede the vision clearance.

Building Director Brian Goralski stated that a 4' fence would also satisfy the barrier requirement for a pool. There are a lot of pools in town and they have to have two fences – one on the building setback line of a 4' or 6' and then they put another 3' fence out. It would eliminate a lot of those concerns of different heights and fences around pools. The 4' fence would satisfy the barrier requirement for pool safety as well.

Trustee Deyne stated that he thought the ordinance was antiquated and needed to be re-written and he would suggest that it goes back to the Zoning Board of Appeals for a Public Hearing.

Trustee Reinke stated that he would like the Board to look at the composition of the fences in the front yard. The open format would preserve vision versus board on board and hoped to hear more about that.

J. Plonczynski stated that was something they would like to look at too. They talked about the wrought iron and open board as opposed to the solid type fence.

President Wallace stated that from a police standpoint, if they could see in a yard it would help. He thanked the former Village Attorney, Katherine Janega for substituting for Mr. Mraz.



**VILLAGE OF BARTLETT  
COMMITTEE MINUTES  
September 15, 2015**

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There being no further business to discuss, Trustee Reinke moved to adjourn the Committee of the Whole meeting and that motion was seconded by Trustee Arends.

**ROLL CALL VOTE TO ADJOURN**

AYES: Trustees Arends, Camerer, Carbonaro, Deyne, Hopkins, Reinke

NAYS: None

ABSENT: None

**MOTION CARRIED**

The meeting adjourned at 8:09 p.m.

Lorna Giles  
Village Clerk

LG/

# Memorandum

**To:** Scott Skrycki, Assistant to the Administrator  
**From:** Tyler Isham, Administrative Intern  
**Date:** 9/25/2015  
**Re:** 2015 Pride in Ownership Awards

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The Village of Bartlett is pleased to recognize the winners of the 2015 Pride in Ownership Awards.

The Pride in Ownership program was started in Bartlett in 1996 to recognize owners who do an outstanding job in maintaining their property. The Village calls out for nominees at the beginning of summer and volunteer judges visit all of the nominated properties, evaluating them on general appearance, landscaping, curb appeal and creativity. This year we had 3 single-family, 2 multi-family, and 1 commercial winner.

## Single Family Home

1 <sup>st</sup> Place:	Ms. Kim Ash	100 N. Hale Ave.
2 <sup>nd</sup> Place:	Mr. & Mrs. Rusewicz	477 Harvard Lane
3 <sup>rd</sup> Place:	Ms. Madlyn Heine	104 N. Hickory Ave.

## Multi-Family Home

1 <sup>st</sup> Place:	Vanguard Community Mgmt.	Asbury Place Subdivision
2 <sup>nd</sup> Place:	Mr. & Mrs. Molnar	193C Thomas Ct.

## Commercial

1 <sup>st</sup> Place:	Horizon Realty Services Inc.	Bartlett Town Center
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The Village congratulates all of the nominated and winning property owners and thanks them for helping to keep Bartlett beautiful. The winners received a yard sign and will be listed in the Bartletter as well.



## Agenda Item Executive Summary

Item Name: Case # 15-17 – Mr. Carwash- 1125 W. Stearns Road- Site Plan Amendment  
 Committee or Board: Village Board

<b>BUDGET IMPACT</b>			
Amount:	n/a	Budgeted	n/a
List what fund	n/a		
<b>EXECUTIVE SUMMARY</b>			
<p>A request for a <b>SITE PLAN AMENDMENT</b> to add 6 arch vacuum stations including 6 parking stalls to be located north of the building.</p> <p>The <b>Plan Commission</b> reviewed the Petitioner’s requests at their meeting on September 10, 2015. The Commission recommended <b>approval</b> of the site plan subject to the conditions and findings of fact outlined in the Staff Report.</p> <p>Staff is requesting that the petitioners’ request be forwarded directly to the Village Board for a final vote in order to facilitate the construction of the vacuum stations.</p>			
<b>ATTACHMENTS (PLEASE LIST)</b>			
CD Memo, 9/10/15 Plan Commission Minutes, Applicant Cover Letter, Application, Location Map, and Ordinance with Exhibits.			

**ACTION REQUESTED**

For Discussion Only \_\_\_\_\_  
 Resolution \_\_\_\_\_  
 Ordinance X \_\_\_\_\_  
 Motion: Move to approve Ordinance #2015-\_\_\_\_\_ An Ordinance Granting A Site Plan Amendment for Mr. Car Wash at 1125 W. Stearns Road.

Staff: Jim Plonczynski, Community Develop. Director  
 Date: 9/25/15

**COMMUNITY DEVELOPMENT MEMORANDUM**

**15-198**

DATE: September 25, 2015  
TO: Valerie L. Salmons, Village Administrator  
FROM: Jim Plonczynski, Com Dev Director  
RE: **(#15-17) Mr. Carwash**

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**PETITIONER**

Mr. Carwash- Dino Re

**SUBJECT SITE**

1125 W. Stearns Road

**REQUEST**

Site Plan Amendment to install six arch vacuum stations including parking.

***Staff is requesting that the petitioner's request be forwarded directly to the Village Board for a final vote in order to facilitate the construction of the vacuum stations.***

**SURROUNDING LAND USES**

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
<b>Subject Site</b>	<b>Commercial</b>	<b>Commercial</b>	<b>B-4</b>
North	Commercial	Commercial	B-3 PUD
South	Commercial	Commercial	B-4
East	Commercial	Commercial	B-3
West	Forest Preserve	Open Space/Recreation	SR-3 PUD

**DISCUSSION**

1. The Petitioner is requesting a Site Plan Amendment to a 1.46 acre carwash site to install six arch vacuum stations on the north side of the property with accompanying parking stalls. The building also houses Meineke Car Care and was granted a special use for the carwash, a variance for rear yard parking and site plan approval in May, 2004 by Ordinance #2004-54 (Case 2003-50).
2. Per Ordinance #2000-85 the Home Depot Shopping Center was granted a variance to allow parking in the 60 foot front yard setback creating a ten foot front yard setback along Stearns Road.
3. Currently there are 3 car vacuums along the North side of the building in the drive

aisle of the carwash line. The petitioner proposes to remove those three and put in six diagonal parking stalls with the arched vacuums so the cars will not be in the way of the drive aisle to get to the carwash.

4. Engineering and Landscape Plans are currently being reviewed by the Staff.

#### **RECOMMENDATION**

1. The Staff recommends approval of the petitioner's requests subject to the following conditions and Findings of Fact:
  - A. Staff approval of the Engineering Plans;
  - B. Staff approval of the Landscape Plan;
  - C. If landscaping cannot be installed at the time of construction, a landscape estimate shall be submitted to Community Development for review and approval by the Village Arborist and a bond posted in the approved amount for its future installation;
  - D. Landscaping must be installed within one year of the issuance of a building permit;
  - E. Findings of Fact (Site Plan):
    - i. That the proposed arch vacuum stations associated with the existing carwash are permitted uses in the B-4 Zoning District;
    - ii. That the proposed building, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses;
    - iii. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well;
    - iv. That the site plan provides for the safe movement of pedestrians within the site;
    - v. That there is a sufficient mixture of grass trees and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses. Any part of the site plan area not used for buildings, structures, parking or access ways shall be landscaped with a mixture of grass, trees and shrubs; (All landscape improvements shall be in compliance with Chapter 10-11A, Landscape Requirements.)
    - vi. That all outdoor storage areas are screened and are in accordance with standards specified by this Ordinance.
2. The Plan Commission reviewed the Petitioner's requests at their meeting on September 10, 2015. There was no testimony regarding this petition. The Commission recommended **approval** of the Petitioner's request subject to the conditions outlined above and the Findings of Fact.
3. Attached are the Plan Commission minutes, the Ordinance with Exhibits and additional background information for your review.

alz/attachments

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**Village of Bartlett**

**Plan Commission Meeting  
Minutes  
September 10, 2015**

**Case # 15-17 Mr. Carwash -Site Plan Amendment** to install six arch vacuum stations including parking. Angela Zubko stood in for petitioner. The subject property is located at 1125 W. Stearns Road.

**A. Zubko:** This is located at The Mr. Car Wash property at the southwest corner of Stearns and Rt. 59. They are looking to install six arched vacuum stations on the north side of the property with accompanying parking stalls. The building also houses the Meineke Car Care and was granted a special use for the car wash as well as a variance to the rear parking and site plan in 2004. In 2000 when Home Depot came in, they were granted a variance to allow parking in the 60 foot front yard setback along Stearns Road. This created a 10 foot front yard setback along Stearns Road, therefore they do not need to request any variances at this time. Along the north side there are currently 3 vacuums stations that are actually situated in the drive aisle right now, so they are looking to remove those 3 and put in 6 diagonal parking stalls with the arched vacuums, so they will not be in the way. They will have their own parking. Engineering and landscape plans are currently being reviewed by staff. Staff recommends approval with the four conditions and finding of facts. The petitioner is not with us today. I can answer any questions.

**T. Ridenour:** Sometimes the line is backed up to the northeast corner of this building. If there is somebody using the vacuums how do they get back out or move around?

**A. Zubko:** They either want you to vacuum before you actually go into the line or if you go after, there is a bypass on the northwest side to get around any cars in line.

**M. Hopkins:** If I was vacuuming my car and Tim was behind me in line he would not let me in. I just want you to know that.

**A. Zubko:** We will note that.

**S. Cook:** I have had the same issue there before even with the three. When you are coming in at parallel situation and it ques up, it's backed up there and it is hard to get out. You have to rely on the kindness of strangers to let you in at the front of the line. Doesn't really happen that often. So I'm questioning how there are going to add 3 more and come in at an angle part which is only going to take up more room.

**A. Zubko:** This way it's at least out of the drive aisle, but you are right if there are cars backed up in line it will be hard to move back.

**S. Cook:** In the current situation it is out of the drive aisle as well.

**A. Zubko:** It's actually in the drive aisle.

**S. Cook:** Ok then I don't understand how they are going to build that out.

**A. Zubko:** They are suppose to actually be three car lanes in that drive aisle. Right now the vacuums are on the south side, so you are technically stopped in a lane to get into the car wash. This way the cars will be out of the way. I do agree that backing out of the stalls will be difficult.

**S. Cook:** Are they going to move the curb that is currently against the building.

**A. Zubko:** Correct, they will be removing the curb.

**S. Cook:** That's the part I didn't understand.

**A. Zubko:** Then they are going to be adding the stalls into that curbed area. Everything there is new. Where the dashed lines are, that is where the current curb is and they will be adding to the south, closer to the building.

**S. Cook:** That makes a difference.

**A. Zubko:** The backing up will still be difficult.

**S. Cook:** You are still going to have the issue of getting into line. Granted it only happens on really nice days. When everyone is getting their car washed.

**A. Zubko:** I will pass that along.

**S. Cook:** It was just a concern that I had.

**A. Zubko:** It's kind of tight area too. This is the best location to have them and then you have to house all the mechanical equipment. We have been looking at this project for quite a few years.

**J. Kallas:** I have the same concern, trying to back out of there. With cars going through.

**J. Lemberg:** Anyone else have any questions? Is the petitioner here this evening?

**A. Zubko:** No he is not here tonight.

**J. Lemberg:** Any questions? Looking for a motion? For approval of the petitioners request. With the conditions and findings of fact?

Motion: **T. Connor**

Second: **J. Miaso**

**J. Lemberg:** Any further discussion? Secretary call the roll.

**Motioned by:** J. Kallas

**Seconded by:** T. Conner

### Roll Call

**Ayes:** D. Negele, T. Ridenour, J. Miaso, T. Conner, T. Ridenour

**Nays:** J. Kallas, A. Hopkins

**ABSTAIN:** S. Cook

**The motion carried.**



# NOVA DESIGN BUILD, INC.

ARCHITECTS ENGINEERS

2044 TECHNY ROAD NORTHBROOK IL 60062

PHONE: 847 514 0704 FAX: 888 769 6358

07-28-15

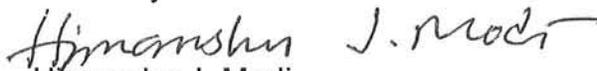
To: The Village President and Board of Trustees  
Village of Bartlett,  
228, South Main Street,  
Bartlett, IL 60103.

Re: Proposed Car Vacuums at Mr. Car Wash,  
1125 West Stearns Road, Bartlett, 60103.

Dear President and Board of Trustees.

As per repeat requests by the patrons of the above noted car wash, the owners would like to add car vacuums on the north of the existing building. All central equipment for the vacuum will be inside the existing car wash building. 6 Arch Vacuum Stanchions will be located on north of the building for additional convenience for the patrons. Existing facade of the building will remain unchanged.

Sincerely

  
Himanshu J. Modi

Architect

Nova Design Build, Inc.



# VILLAGE OF BARTLETT SITE PLAN APPLICATION

(Please type or complete in blue or black ink.)

For Office Use Only
Case # <u>2015-17</u>
RECEIVED
COMMUNITY DEVELOPMENT
AUG 08 2015
VILLAGE OF BARTLETT

PROJECT NAME CENTRAL VACUUM HOSES

### PETITIONER INFORMATION

Name: MR. CAR WASH

Address: 1125 W. STEARNS RD  
BARTLETT IL 60103

Phone: 630 372 9040

Fax: ---

Mobile: 630 890 7569

Email: MRCARWASH2@AOL.COM

### PROPERTY OWNER INFORMATION

Name: SKCW LLC / GOPESH PATEL

Address: 345 TUTTLE DR  
BLOOMINGDALE IL 60108

Phone: 630 546 0390

Fax: ---

Mobile: 630 546 0390

Email: MRCARWASH2@AOL.COM

### SITE PLAN DESCRIPTION (Use: commercial, industrial or office, square footage, # of units, etc.)

COMMERCIAL - EXISTING BUILDING TO REMAIN  
NO INCREASE OR DECREASE IN  
SF. OF EXIST. BUILDING  
SEE ATTACHED PLANS

### SIGN PLAN REQUIRED? (Please Circle.) Yes or No

(Note: A Unified Business Center Sign Plan is required for four or more individual offices or businesses sharing a common building entrance or private parking lot.)

### PROPERTY INFORMATION

Common Address/General Location of Property: 1125 W. STEARNS RD BARTLETT

Property Index Number ("Tax PIN"/"Parcel ID"): 01-04-403-030

Zoning: B-4 COMMUNITY SHOPPING DISTRICT Land Use: Existing: CAR-WASH

(Refer to Official Zoning Map)

Proposed: CAR-WASH

Comprehensive Plan Designation for this Property: \_\_\_\_\_

(Refer to Future Land Use Map)

4. The site plan provides for the safe movement of pedestrians within the site.

YES

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5. There is sufficient mixture of grass, trees and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the site plan area not used for buildings, structures, parking or accessways shall be landscaped with a mixture of grass, trees and shrubs. (All landscape improvements shall be in compliance with Chapter 10-11A, Landscape Requirements)

YES

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6. All outdoor storage areas are screened and are in accordance with standards specified by this Ordinance.

YES

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**ACKNOWLEDGEMENT**

The undersigned hereby acknowledges he/she is familiar with the code requirements which relate to this petition and certifies that this submittal is in conformance with such code(s). He/she further understands that any late, incomplete or non-conforming submittal will not be scheduled on an agenda.

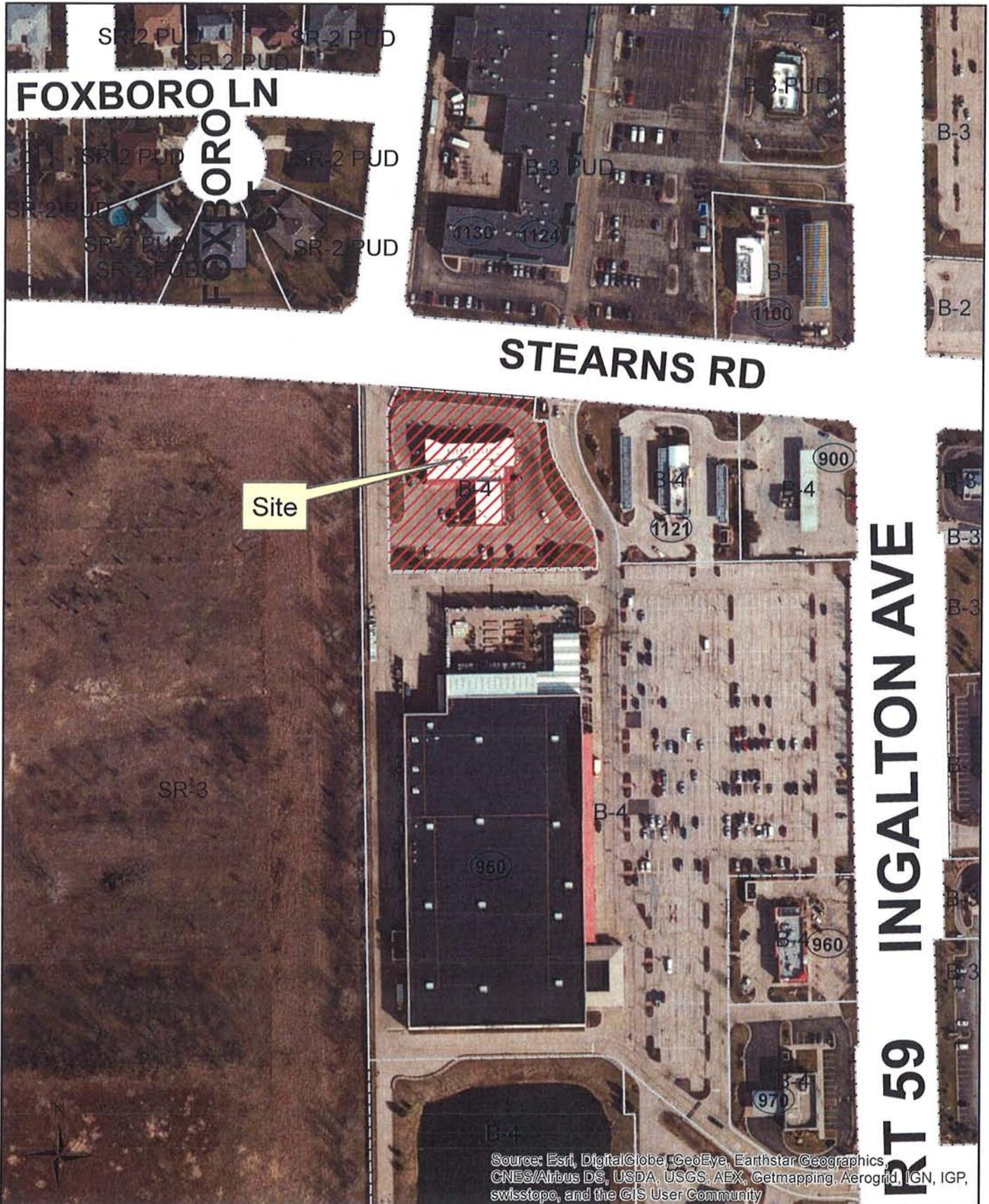
SIGNATURE: [Signature]  
PRINT NAME: GARY GOPESH PATEL  
DATE:  8/5/15

**REIMBURSEMENT OF CONSULTANT FEES AGREEMENT**

The undersigned hereby acknowledges his/her obligation to reimburse the Village of Bartlett for all necessary and reasonable expenses incurred by the Village for review and processing of the application. Further, the undersigned acknowledges that he/she understands that these expenses will be billed on an ongoing basis as they are incurred and will be due within thirty days. All reviews of the petition will be discontinued if the expenses have not been paid within that period. Such expenses may include, but are not limited to: attorney's fees, engineer fees, consulting planner's fees, public advertising expenses, and recording expenses. Please print the following information and sign.

NAME OF PERSON TO BE BILLED: ~~MR~~ DINU RE /MR. CARWASH  
ADDRESS: 1125 W. STEARNS RD  
BARTLETT FL 60103  
PHONE NUMBER: 630 890 7569  
SIGNATURE:  [Signature]  
DATE:  8/5/15

Location Map  
PIN 01-04-403-030  
1125 W. Stearns Rd. Bartlett, IL 60103



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**ORDINANCE 2015-**

**AN ORDINANCE APPROVING A SITE PLAN AMENDMENT  
FOR MR. CAR WASH AT 1125 W. STEARNS ROAD**

**WHEREAS**, Dino Re has filed a petition for a Site Plan Amendment to add outdoor vacuums and parking spaces on behalf of Mr. Car Wash on Lot 3 of the Home Depot Subdivision which property is legally described and attached hereto as **Exhibit A** and which property is zoned B-4, Community Shopping District; and

**WHEREAS**, the Bartlett Plan Commission reviewed the petition with respect to the Site Plan Amendment for the outdoor vacuums and parking on September 10, 2015 with respect to said petition (Case #15-17) and has recommended to the corporate authorities that the Site Plan Amendment for the outdoor vacuums and parking be granted subject to the conditions and findings of fact outlined in their report; and

**WHEREAS**, the corporate authorities have determined that it is in the public interest to approve the Site Plan Amendment recommended by the Plan Commission; and

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois as follows:

**SECTION ONE:** The corporate authorities do hereby make the following findings of fact pertaining to the Site Plan Amendment;

1. That the proposed arch vacuum stations associated with the existing carwash are permitted uses in the B-4 Zoning District;
2. That the proposed building, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses;
3. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well;
4. That the site plan provides for the safe movement of pedestrians within the site;

5. That there is a sufficient mixture of grass trees and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses. Any part of the site plan area not used for buildings, structures, parking or access ways shall be landscaped with a mixture of grass, trees and shrubs; (All landscape improvements shall be in compliance with Chapter 10-11A, Landscape Requirements.)
6. That all outdoor storage areas are screened and are in accordance with standards specified by this Ordinance.

**SECTION TWO:** That the Subject Property shall be developed in strict accordance with the Site Plan prepared by Nova Design Building, Inc. dated July 28, 2015 and last revised September 22, 2015 attached hereto as **Exhibit B** and the Landscape Plans prepared by Nova Design Building, Inc. dated July 28, 2015 and last revised September 22, 2015 attached hereto as **Exhibit C** and expressly made a part of this Ordinance is hereby approved, subject to the conditions set forth in Section Three of this Ordinance.

**SECTION THREE:** That the Site Plan Amendment granted in Section Two of this Ordinance is subject to the following conditions:

1. Staff approval of the Engineering Plans;
2. Staff approval of the Landscape Plan;
3. If landscaping cannot be installed at the time of construction, a landscape estimate shall be submitted to Community Development for review and approval by the Village Arborist and a bond posted in the approved amount for its future installation;
4. Landscaping must be installed within one year of the issuance of a building permit.

**SECTION FOUR:** The violation of any of the above conditions shall be cause for the revocation of the Site Plan Amendment approval herein granted.

**SECTION FIVE: SEVERABILITY.** The various provisions of this Ordinance

are to be considered as severable, and if any Court of competent jurisdiction shall hold any part or portion of this Ordinance invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance.

**SECTION SIX: REPEAL OF PRIOR ORDINANCES.** All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**SECTION NINE: EFFECTIVE DATE.** This Ordinance shall be in full force and effect after its passage and approval.

**ROLL CALL VOTE:**

**AYES:**

**NAYS:**

**ABSENT:**

**PASSED: October 6, 2015**

**APPROVED: October 6, 2015**

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**Kevin Wallace, Village President**

**ATTEST:**

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**Lorna Gilles, Village Clerk**

**CERTIFICATION**

I, Lorna Gilles, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 2015-\_\_\_\_\_ enacted on October 6, 2015, approved on October 6, 2015.

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**Lorna Gilles, Village Clerk**

## **EXHIBIT A**

### **LEGAL DESCRIPTION – MR. CARWASH** **CASE #15-17**

LOT 3 IN THE HOME DEPOT BARTLETT SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 4 AND THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 8, 2000 AS DOCUMENT R2000-175535, IN DUPAGE COUNTY, ILLINOIS.







## Agenda Item Executive Summary

Item Name	New Massage and Bodywork Approach License Ordinance	Committee or Board	Board
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### BUDGET IMPACT

Amount:	N/A	Budgeted	N/A
List what fund	N/A		

### EXECUTIVE SUMMARY

Attached is an ordinance that repeals the current Village ordinance that regulates massage establishments and replaces it with two separate chapters within the Bartlett Municipal Code, one which regulates massage establishments and the second which regulates bodywork approach establishments and requires Asian bodywork approach practitioners to be licensed by the Village.

I recommend the Board pass the attached Ordinance which adds those two new chapters to the Bartlett Municipal Code.

MOTION: I move the passage of Ordinance 2015- \_\_\_\_\_, An Ordinance Amending Title 3, Chapter 29, of the Bartlett Municipal Code to Regulate Massage Establishment and to Regulate Bodywork Approach Establishments and to Require Bodywork Approach Practitioners Licenses as presented.

### ATTACHMENTS (PLEASE LIST)

Ordinance is attached.

### ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion:

Staff:	Bryan Mraz, Village Attorney	Date:	8/24/2015
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**BRYAN E. MRAZ**  
BEM@MRAZLAW.COM

DAVID W. GULLION  
ASSOCIATE  
DWG@MRAZLAW.COM

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## MEMORANDUM

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**TO:** President and Board of Trustees of the Village of Bartlett  
Valerie L. Salmons, Village Administrator

**FROM:** Bryan E. Mraz, Village Attorney

**DATE:** August 21, 2015

**RE:** New Massage and Bodywork Approach Ordinance

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Attached find an ordinance that repeals the current Village ordinance that regulates massage establishments (that the Village adopted in 2001) and replaces it with two separate chapters within the Bartlett Municipal Code, one which regulates massage establishments (Title 3, Chapter 29A) and the second which regulates bodywork approach establishments and requires Asian bodywork approach practitioners to be licensed by the Village (Title 3, Chapter 29B).

I previously presented a draft modeled after the City of Wheaton ordinance that addressed massage therapists and Asian bodywork approaches together in a single chapter. Licensed massage therapists and Bartlett residents, Tracy Smodilla and Austin Hopkins, were in attendance when that draft was discussed at a prior Committee of the Whole meeting, and raised concerns over the draft ordinance, and in particular combining massage and Asian bodywork approaches together. In meeting with them they expressed that in their minds combining the two together could give legitimate massage businesses and the state licensed massage therapists a bad name by associating the two together as the latter are not always bona fide businesses and are sometimes used as a cover for criminal activity, and more importantly, in their minds would create confusion of the public and give unwarranted credibility to Asian bodywork approach businesses and Asian bodywork approach practitioners that are not authorized to provide massage services and are not licensed by the state because they are exempt under the Massage Licensing Act. As a result I redrafted the ordinance to create two separate chapters to deal with these distinct types of businesses. They also furnished me with the names and websites for

recognized accreditation organizations, as the state statute exempts members of the American Organization of Bodywork Therapies of Asia if certified by that organization, "or if approved by an Asian bodywork organization based on a minimum level of training, demonstration of competency and adherence to ethical standards set by their governing body" with no further clarification or guidance as to what those terms mean.

Under the state statute, the Village is preempted from regulating massage therapists because they are licensed by the Illinois Department of Financial and Professional Regulation, and are subject to rules and regulations of a state Massage Licensing Board. Criminal background checks of massage therapists are required by the state, and the Massage Licensing Board can suspend or revoke an individual massage therapist's license for violations of the law, but a municipality cannot. That is not the case for bodywork approach practitioners, who are exempt under the state statute and remain unregulated unless municipalities fill that void with respect to regulating and licensing them. The state law preemption does not, however, preempt the Village from regulating massage businesses, nor does it prevent the Village from regulating bodywork businesses and bodywork approach practitioners.

As the reported incidents of human trafficking, prostitution and other criminal activities are most often associated with the Asian bodywork approach exemption, the attached Ordinance (Chapter 29B) only licenses the Asian bodywork approach practitioners, but does require a business license for businesses engaging in Asian bodywork approach, and/or other bodywork approaches that are also exempt under state law. The other bodywork approaches defined in Chapter 29B are numerous, are more specialized, would be difficult to administer, and have not shown themselves to be prone to the same sexual and criminal misconduct abuses as Asian bodywork approach practitioners on a local or regional level, and thus those practitioners of other bodywork approaches are not required to be individually licensed by the Village, but the businesses that provide those services are required to be licensed by the Village.

Currently the existing massage businesses that may offer Asian bodywork approaches are only regulated and licensed under the general business license provisions (Title 3, Chapter 1) because the 2001 Bartlett Massage Establishments Ordinance was effectively gutted by the Massage Licensing Act. By separate ordinance, the general business license ordinance is also proposed to be updated and substantially rewritten. It is written so as to provide for separate regulations and licensing requirements for massage establishments (new Chapter 29A) and bodywork approach businesses (new Chapter 29B). The appeal of a denial of any such license and any suspension or revocation of either a massage establishment license (Chapter 29A), or bodywork approach establishment or Asian body work practitioner license would be heard by the Village Administrator or by an administrative hearing officer designated by the Village Administrator. Any further appeal would be to the circuit court under the Administrative Review Act. That change is desirable for these types of licenses as opposed to the current appeal process, which would have to be heard by the Village President and whole Board.

Accordingly, I recommend the Board pass the attached ordinance which adds those two new chapters to the Bartlett Municipal Code.

**MOTION: I move the passage of Ordinance 2015 - \_\_\_\_\_, "AN ORDINANCE AMENDING TITLE 3, CHAPTER 29, OF THE BARTLETT MUNICIPAL CODE TO REGULATE MASSAGE ESTABLISHMENTS (CHAPTER 29A) AND TO REGULATE BODYWORK APPROACH ESTABLISHMENTS AND TO REQUIRE BODYWORK APPROACH PRACTITIONERS LICENSES (CHAPTER 29B)"**

**ORDINANCE 2015 - \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 29,  
OF THE BARTLETT MUNICIPAL CODE TO REGULATE MASSAGE  
ESTABLISHMENTS (CHAPTER 29A) AND TO REGULATE BODYWORK  
APPROACH ESTABLISHMENTS AND TO REQUIRE BODYWORK  
APPROACH PRACTITIONERS LICENSES (CHAPTER 29B)**

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**Adopted by the President and Board of Trustees  
of the Village of Bartlett  
on the 1st day of September, 2015**

**Published in Pamphlet Form by the Authority of the  
Corporate Authorities of the Village of Bartlett,  
Cook, DuPage and Kane Counties, Illinois  
this 2nd day of September, 2015**

ORDINANCE 2015 - \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 29,  
OF THE BARTLETT MUNICIPAL CODE TO REGULATE MASSAGE  
ESTABLISHMENTS (CHAPTER 29A) AND TO REGULATE BODYWORK  
APPROACH ESTABLISHMENTS AND TO REQUIRE BODYWORK  
APPROACH PRACTITIONERS LICENSES (CHAPTER 29B)**

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**WHEREAS**, the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois (the "Village"), is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

**WHEREAS**, the corporate authorities of the Village of Bartlett heretofore adopted Ordinance 2001-134, "An Ordinance Amending Title 3, Business and License Regulations of the Bartlett Municipal Code by the Addition of a New Chapter 29 Regarding Massage Establishments" (the "2001 Massage Ordinance"); and

**WHEREAS**, the corporate authorities of the Village of Bartlett heretofore required persons who sought to practice massage therapy or operate a massage business to apply for licensure through the Village pursuant to the 2001 Massage Ordinance; and

**WHEREAS**, the state legislature enacted the Massage Licensing Act (P.A. 92-860, now cited as 225 ILCS 57/1, et seq.) which establishes regulatory authority and licensing provisions for all persons who seek to practice massage therapy, which became effective June 1, 2003; and

**WHEREAS**, the Massage Licensing Act requires all persons who seek to practice massage therapy will apply for their licensing through the State Massage Licensing Board; and

**WHEREAS**, the corporate authorities of the Village of Bartlett desire to continue the practice of licensing massage businesses now owned and operated by licensed massage therapists as such regulation is in the interest of public health, safety and welfare; and

**WHEREAS**, the Village, pursuant to its police powers and out of concern for the Village's image and reputation as well as the safety of its residents and visitors, desires to prevent the operation of massage establishments, bodywork establishments and bodywork practitioners which and/or who do not comport with the laws, rules, regulations and/or ordinances of the Village, county, the State and/or the federal government; and

**WHEREAS**, Illinois Compiled Statutes 225 ILCS 57/25(g) exempts “practitioners of Asian bodywork approaches” from the licensing requirements of the Massage Licensing Act (225 ILCS 57/1, *et seq.*) if the practitioner is a member of the American Organization of Bodywork Therapies of Asia as a certified practitioner, or if approved by an Asian bodywork organization based upon a minimum level of training, demonstration of competency, and adherence to ethical standards set by their governing body; and

**WHEREAS**, the Village of Bartlett, based upon research, law enforcement investigations and materials presented to its Corporate Authorities, has concluded that there is evidence that the Asian bodywork approach exemption set forth in 225 ILCS 57/25(g) is being used, in some instances, by businesses and persons who are not state licensed massage therapists or bona fide practitioners of Asian bodywork approaches but for the purposes of conducting unlawful sexual activities for consideration; and

**WHEREAS**, the Illinois Department of Financial and Professional Regulation (the “Department”) has opined that the exemption under 225 ILCS 57/25(g) of the Massage Licensing Act, does not limit the ability of a home rule municipality to regulate the practitioners of Asian bodywork approaches who are not massage therapists licensed by the Department; and

**WHEREAS**, the use of the Asian bodywork approaches by non bona fide practitioners of Asian bodywork approaches to promote unlawful sexual activities is inconsistent with the public health, safety and welfare of the citizens of the Village of Bartlett; and

**WHEREAS**, the Corporate Authorities of the Village of Bartlett find that certain non-Asian body work exemptions set forth in 225 ILCS 57/25 are more easily identified as bona fide and have not been subject to the same sexual misconduct abuses as the Asian body work exemption, but nevertheless require regulation by the Village but to a lesser extent than Asian bodywork approach establishments and practitioners; and

**WHEREAS**, the Corporate Authorities have determined that the amendments to this Chapter 29 set forth in this Ordinance, and in particular the creation of new Chapter 29B, will reduce the probability that Asian bodywork approach establishments and the practitioners of Asian bodywork approaches and other bodywork approach practitioners that are exempt from the licensing requirements set forth in the Massage Licensing Act will be used to promote illegal sexual activities while protecting lawful providers of Asian bodywork approaches; and

**NOW THEREFORE BE IT ORDAINED**, by the President and Board of Trustees of the Village of Bartlett, pursuant to its home rule authority, that Chapter 29A of Title 3, “Massage Establishments”, Sections 3-29-1 through 3-29-17 of the Bartlett Municipal Code is hereby repealed in its entirety and replaced with a new Chapter 29 “Massage Establishments”, Sections 3-29A-1 through 3-29A-23, and new Chapter 29B “Bodywork

Establishments and Licensing Requirements for Practitioners of Asian Bodywork Approaches”, Sections 3-29B-1through 3-29B-26, which shall read as follows:

**CHAPTER 29A  
MESSAGE ESTABLISHMENTS**

- 3-29A-1: DEFINITIONS:**
- 3-29A-2: MESSAGE ESTABLISHMENT LICENSE REQUIRED:**
- 3-29A-3: APPLICATION FOR MESSAGE ESTABLISHMENT BUSINESS LICENSE:**
- 3-29A-4: ISSUANCE OF LICENSE FOR A MESSAGE ESTABLISHMENT:**
- 3-29A-5: APPROVAL OR DENIAL OF APPLICATION:**
- 3-29A-6: POSTING OF LICENSE; PHOTO IDENTIFICATION CARD:**
- 3-29A-7: REGISTER OF EMPLOYEES:**
- 3-29A-8: REVOCATION OR SUSPENSION OF LICENSE; WAITING PERIOD AFTER:**
- 3-29A-9: REIMBURSEMENT OF COSTS FOR INVESTIGATION RESULTING IN MESSAGE BUSINESS LICENSE SUSPENSION OR REVOCATION:**
- 3-29A-10: REVOCATION OF MESSAGE THERAPIST LICENSE:**
- 3-29A-11: FACILITIES NECESSARY:**
- 3-29A-12: OPERATING REQUIREMENTS:**
- 3-29A-13: PERSONS UNDER AGE EIGHTEEN PROHIBITED ON PREMISES:**
- 3-29A-14: ALCOHOLIC BEVERAGES PROHIBITED:**
- 3-29A-15: HOURS AND MASSAGE THERAPIST ON PREMISES:**
- 3-29A-16: EMPLOYMENT OF MESSAGE THERAPIST:**
- 3-29A-17: INSPECTIONS REQUIRED:**
- 3-29A-18: UNLAWFUL ACTS:**
- 3-29A-19: MESSAGE ESTABLISHMENT LICENSE; EXEMPTIONS:**
- 3-29A-20: SALE OR TRANSFER OR CHANGE OF LOCATION:**
- 3-29A-21: NAME AND PLACE OF BUSINESS:**
- 3-29A-22: JOINT AND SEVERAL LIABILITY:**
- 3-29A-23: PENALTY FOR VIOLATION:**

**3-29A-1: DEFINITIONS:**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**APPLICANT:** Any person or entity seeking a massage establishment business license. If the applicant is a sole proprietorship, the information sought to be provided shall be for the individual owner; if a partnership, by each general and each limited partner; if a joint venture, by each joint venturer; if a corporation, by each officer and director, and unless the corporation’s stock is publicly traded, by each shareholder owning or holding more than 10% of the outstanding stock in said corporation; if a limited liability company, by each manager and by each member owning or holding more than a 10% membership interest; if an entity is made up of one or more sub-entities, then the

foregoing information shall be provided or for each sub-entity. It shall also include the business manager or other person principally in charge of the operation of the business.

**CONVICTION:** A plea of guilty or *nolo contendere*, finding of guilty, jury verdict or entry of judgment by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge or first offender probation under the laws of any jurisdiction of the United States.

**EMPLOYEE:** Any person over eighteen (18) years of age, employed by or under contract with the owner massage establishment, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or its patrons.

**LICENSEE:** The operator of a massage establishment.

**MASSAGE:** Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations used in this practice, under such circumstances that it is reasonably expected that the person to whom treatment is provided, or some third party on such person's behalf, will pay money or give any other consideration or gratuity.

**MASSAGE ESTABLISHMENT:** Any establishment having a fixed place of business where any person, corporation, limited liability company, partnership, limited partnership, joint venture, trust, firm or association that engages in or carries on, or permits to be engaged in or carried on, a business of providing massages by massage therapists. Massage establishments shall not include bodywork establishments which are defined in and require a separate license pursuant to Chapter 29B of this Title.

**MASSAGE THERAPIST:** Any person who, for any consideration or gratuity whatsoever, engages in the practice of massage, and who holds a massage therapist license issued by the Illinois Department of Financial and Professional Regulation.

**OUTCALL MASSAGE SERVICE:** Any business, a function of which is to engage in or carry on massages by a massage therapist at a location designated by the customer or patron rather than at a massage establishment.

**PATRON:** Any person who is offered or receives a massage under such circumstances that it is reasonably expected that he or she will pay money or any other consideration for such massage.

**SEXUAL OR GENITAL AREA:** Genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.

STATE LICENSE: A valid license issued by the Illinois Department of Financial and Professional regulation to a massage therapist pursuant to the Illinois Massage Licensing Act, 225 Illinois Compiled Statutes 57/1, *et seq.*

**3-29A-2: MASSAGE ESTABLISHMENT LICENSE REQUIRED:**

- A. Massage Establishment License Required: No person or entity shall engage in or carry out the business of massage unless that person or entity has a valid massage establishment business license issued by the Village pursuant to the provisions of this chapter for each and every separate office or place of business in the Village, unless said business is exempt under section 3-29A-19 of this chapter. However, where individuals possessing the license required in subsection B of this section, perform massage in their own homes, no massage establishment license shall be required for that home. When a licensee performs massage in his or her own home, in addition to the requirements of this chapter, the requirements of the Bartlett zoning ordinance pertaining to home occupations shall apply. A person or entity, who or which, prior to the adoption of this chapter, has been issued a business license in 2015 (with an expiration date of April 30, 2016) to engage in or carry out the business of massage, as a spa, massage therapy or health club, shall be subject to this chapter, and shall be required to apply for a separate massage establishment license on or before October 31, 2015, but shall not be required to pay an additional massage establishment license fee for the period ending April 30, 2016.
- B. State License Required: No person shall engage in massage for compensation, unless the person has a valid state license issued by the Illinois Department of Financial and Professional Regulation pursuant to the Massage Licensing Act, 225 Illinois Compiled Statutes 57/1, *et seq.*, or is exempt therefrom under said Act.

**3-29A-3: APPLICATION FOR MASSAGE ESTABLISHMENT BUSINESS LICENSE:**

Every applicant for a license to maintain, operate, or conduct a massage establishment shall file an application, under oath, with the village of Bartlett upon a form provided by the village clerk and pay a nonrefundable annual license fee, in the amount set forth in section 3-1-1 of this title. Copies of the massage establishment business license application shall be forwarded to the building director, the health inspector, and the community development director. Each such director or inspector, or his or her designee, shall, within thirty (30) days, inspect the premises proposed to be operated as a massage establishment and upon inspection, each inspector shall file a written report with the village clerk concerning compliance with the applicable regulations. The application, once accepted, shall also be referred to the police department for investigation. The police department will perform the required criminal record check, if any. Background investigations of shall require the submission of fingerprints. The cost of the criminal record check and cost of fingerprint submissions shall be borne by the applicant. Massage therapists holding a valid state license shall not be required to

submit to a criminal background check if he or she submits a true and accurate copy of his or her state license. Each application shall contain the following information:

- A. A definition of service to be provided.
- B. The location, mailing address and all telephone numbers where the business is to be conducted.
- C. Federal employer identification number (FEIN) and state of Illinois business tax number (IBT).
- D. The name and residence address of each applicant (all provisions which refer to applicant include an applicant which may be a person operating as a sole proprietorship, corporation, limited liability company, partnership, joint venture, or association).
  - 1. If applicant is a corporation, the name, primary residence address, driver's license number, social security number, and fingerprints of each officer, director and of each stockholder owning more than ten percent (10%) of the stock of the corporation or company, and the address of the corporation or company itself, if different from the address of the massage establishment. A certificate of good standing from the Secretary of State of the state of its incorporation shall also be submitted.
  - 2. If the applicant is a limited liability company, the name, primary residence address, driver's license number, social security number, and fingerprints of each manager and of each member that owns greater than a 10% membership interest in said company. A certificate of good standing from the Secretary of State of the state of its organization shall also be submitted.
  - 3. If applicant is a partnership, the name, primary residence address, driver's license number, social security number and fingerprints of each partner including limited partners, and the address of the partnership itself, if different from the address of the massage establishment.
- E. The two (2) previous addresses immediately prior to the present address of the applicant.
- F. Proof that the applicant is at least eighteen (18) years of age.
- G. Individual applicant's height, weight, color of eyes, hair and sex.
- H. Copy of driver's license or state identification card.
- I. One portrait photograph of the applicant at least one inch by one and one-half inches (1" x 1-1/2") and a complete set of applicant's fingerprints shall be taken by

the chief of police or his/her agent. If the applicant is a partnership, limited liability company, or corporation, fingerprints of any and all officers, shareholders, directors, partners, members, managers or agents of the entity (except for massage therapists) along with the fee for each.

- J. Business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of application.
- K. The massage or similar business license history of the applicant; whether such person, in previously operating in this or another municipality, county or state, has had a business license revoked or suspended, the reason for the revocation or suspension, and the business activity or occupation subsequent to such action of suspension or revocation.
- L. All criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crimes and place convicted. Convictions shall mean by plea of guilty or *nolo contendere* finding of guilty, jury verdict or entry of judgment by sentencing of any crime, including, but not limited to, convictions or preceding sentences of supervision, conditional discharge or first offender probation under the laws of any jurisdiction of the United States: (i) that is a felony, or (ii) that is a misdemeanor, an essential element of which is dishonesty or that is directly related to the practice of the professions including, without limitation, the following Illinois offenses, or if found guilty outside the state of Illinois, would constitute the same offense if committed within the state of Illinois:
  - 1. An offense involving the use of force and violence upon the person of another that amounts to a felony.
  - 2. An offense enumerated in any provision of article 11, entitled "sex offenses", of the Illinois criminal code, 720 Illinois Compiled Statutes 5/11-1, *et seq.*, as amended from time to time.
  - 3. A violation of the Illinois controlled substances act, 720 Illinois Compiled Statutes 570/100 *et seq.*, as amended from time to time.
  - 4. A violation of the Illinois cannabis control act, 720 Illinois Compiled Statutes 550/1 *et seq.*, as amended from time to time.
  - 5. A felony offense enumerated in article 24, deadly weapons, of the Illinois criminal code, 720 Illinois Compiled Statutes 5/24-1 *et seq.*, as amended from time to time, or any other offense that involves the use of weapons.
- M. The name and address of each massage therapist who is or will be employed in the establishment, including a copy of their respective state licenses as issued by the Illinois Department of Financial and Professional Regulation, and if the business intends to hire any employees or independent contractors to perform Asian

bodywork approaches (see definitions in chapter 29B), or other forms of bodywork (see definitions in chapter 29B) or modalities that are exempt under section 25 of the Massage Licensing Act (225 ILCS 57/25) who are not state licensed massage therapists, a listing of the name, address, type of bodywork approach or modality that will be practiced for each employee, and for each independent contractor, and if Asian bodywork approaches or other bodywork approaches will be offered by any person other than a massage therapist or individual exempt under section 3-29A-19 of this chapter, then an Asian bodywork establishment license shall also be required for the business, and each practitioner of an Asian bodywork approach shall procure an Asian bodywork approach practitioner license as required under chapter 29B of this title.

- N. The name and address of any other business owned or operated by any person whose name is required to be given in subsection D of this section.
- O. A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.
- P. Authorization of the village, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license, and to perform criminal background investigations as required by this chapter.
- Q. Such other identification and information necessary to discover the truth of the matters required to be set forth in the application.

Applicants, who hold a valid state massage therapist license, are exempt from the fingerprinting and criminal background check requirement, if a copy of the license is submitted with the application.

Upon the completion of the above provided form and the furnishing of all foregoing information, the village clerk shall accept the application for the necessary investigations. The holder of a massage establishment license shall notify the village clerk of each change in any of the data required to be furnished by this section within ten (10) days after such change occurs.

**3-29A-4: ISSUANCE OF LICENSE FOR A MASSAGE ESTABLISHMENT:**

The village of Bartlett shall issue a license for a massage establishment if all requirements for a massage establishment described in this chapter are met unless it finds:

- A. The correct license fee or other fees or fines owed to the village of Bartlett have not been tendered to the village; or

- B. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the village's building, zoning, and health regulations; or
- C. The applicant or its employees, other than massage therapists, have been convicted by plea of guilty or *nolo contendere*, finding of guilty, jury verdict or entry of judgment by sentencing of any crime, including, but not limited to, convictions or preceding sentences of supervision, conditional discharge or first offender probation under the laws of any jurisdiction of the United States: (i) that is a felony, or (ii) that is a misdemeanor, an essential element of which is dishonesty or that is directly related to the practice of the professions including, without limitation, the following Illinois offenses, or if found guilty outside the state of Illinois, would constitute the same offense if committed within the state of Illinois:
1. An offense involving the use of force and violence upon the person of another that amounts to a felony.
  2. An offense enumerated in any provision of article 11, entitled "sex offenses", of the Illinois criminal code, 720 Illinois Compiled Statutes 5/11-1, *et seq.*, as amended from time to time.
  3. A violation of the Illinois controlled substances act, 720 Illinois Compiled Statutes 570/100 *et seq.*, as amended from time to time.
  4. A violation of the Illinois cannabis control act, 720 Illinois Compiled Statutes 550/1 *et seq.*, as amended from time to time.
  5. A felony offense enumerated in article 24, deadly weapons, of the Illinois criminal code, 720 Illinois Compiled Statutes 5/24-1 *et seq.*, as amended from time to time, or any other offense that involves the use of weapons.

The village of Bartlett may issue a license to any person found guilty of (or whose employees have been found guilty of) any of the crimes described in subsections C1 through C5 of this section only if it determines that such finding of guilt occurred at least ten (10) years prior to the date of the application and the individual has had no subsequent felony findings of guilty of any nature and no subsequent misdemeanor findings of guilty for a crime or crimes set forth in this section and demonstrates that he or she has been rehabilitated.

- D. Any applicant has knowingly made any false, misleading or fraudulent statement of fact or failed to disclose required information or a fact in the license application or in any other document required by the village.
- E. Any applicant has had a massage business, massage therapy or other similar permit or license denied, revoked or suspended by the village or any other state, county, municipality or local agency within five (5) years prior to the date of the application.

- F. Any applicant is not over eighteen (18) years of age or older.
- G. Copies of the state licenses of persons, who will be providing massage services at the business establishment, including outcall services, have not been provided.
- H. The information required under this section has not been furnished.

**3-29A-5: APPROVAL OR DENIAL OF APPLICATION:**

The village of Bartlett shall act to approve or deny an application for a license under this chapter within a reasonable period of time and in no event shall the village of Bartlett act to approve or deny said license later than forty-five (45) days from the date that said application is complete and was accepted by the village. Every license issued pursuant to this chapter will terminate on April 30 following such issuance, unless sooner suspended or revoked.

**3-29A-6: POSTING OF LICENSE; PHOTO IDENTIFICATION CARD:**

- A. The state licenses issued to massage therapists shall be available for public inspection and review upon request, if said licenses are not posted and available for immediate inspection in the reception area for patrons, if any, or in the therapist's work area.
- B. Every massage therapist shall possess his or her state license and a government issued photo identification card while on the licensed premises and produce such state license and identification card upon request of any representative of the village of Bartlett.
- C. To provide outcall massage service, the massage therapist must possess a government issued photo identification card and state license in the name of the individual providing the service.

**3-29A-7: REGISTER OF EMPLOYEES:**

The licensee or person designated by the licensee of a massage establishment shall maintain a register of all persons employed at any time, including employees, independent contractors and massage therapists, along with their current photographs and a copy of their respective state licenses and license copies. Such register and license copies shall be available at the massage establishment to representatives of the village of Bartlett during regular business hours.

**3-29A-8: REVOCATION OR SUSPENSION OF LICENSE; WAITING PERIOD AFTER REVOCATION:**

- A. Any license issued for a massage establishment may be revoked or suspended by the village of Bartlett after notice and a hearing, for good cause, or in any case

where any of the provisions of this chapter 29A are violated or where any employee, of the licensee, or any independent contractor under written or oral contract with the licensee, including a massage therapist, is engaged in any conduct which violates any of the state, county or local laws, rules, regulations or ordinances at licensee's place of business. Such license may also be revoked or suspended by the village of Bartlett after notice and hearing, upon the recommendations of the health inspector that such business is being managed, conducted or maintained without regard to proper sanitation and hygiene. Such revocation proceedings shall be as prescribed in this chapter 29A.

- B. If a license has been revoked for any cause, no license shall be granted to any person for the conduct of the business of a massage establishment at that location for a period of three (3) years.

**3-29A-9: REIMBURSEMENT OF COSTS FOR INVESTIGATION RESULTING IN BUSINESS LICENSE SUSPENSION OR REVOCATION:**

In the event that the village of Bartlett conducts an investigation of a licensed massage establishment, which results in the revocation or suspension of its business license, the licensee shall reimburse the village for any and all of the village's costs for the investigation. Failure to pay such costs within ten (10) days' written notice from the village shall result in the continuance of any suspension until such time as those costs are paid and no massage establishment business license shall be issued or renewed for such a business at the same location until such costs have been paid to the village. The village shall have such additional or further remedies for collection of such costs as are available by law.

**3-29A-10: REVOCATION OR SUSPENSION OF MASSAGE THERAPIST LICENSE:**

A massage therapist license issued by the state may be revoked or suspended in accordance with the Illinois Massage Licensing Act, 225 Illinois Compiled Statutes 57/1, et seq., as it may be amended from time to time. The chief of police shall report any and all suspected violations to the Massage Licensing Board and to the Department of Financial and Professional Regulation.

**3-29A-11: FACILITIES NECESSARY:**

Every location for which a massage establishment license is sought shall, in addition to meeting all other village regulations, comply with the following:

- A. The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each patron.

- B. Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.
- C. The minimum number of plumbing fixtures shall be provided and maintained as required by the building code or this chapter, whichever is more restrictive.

**3-29A-12: OPERATING REQUIREMENTS:**

- A. Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary manner.
- B. Prices for all services shall be prominently posted in the reception area in a location available to all prospective customers.
- C. All employees, including massage therapists, shall be clean and wear clean, nontransparent outer garments.
- D. All massage establishments shall be provided with clean, laundered sheets and towels which shall be laundered after each use by an individual patron and stored in a sanitary manner. All towels and linens furnished for use of one patron shall not be refurnished for use of another patron until laundered.
- E. The sexual or genital areas of patrons must be covered with nontransparent towels, cloths, or undergarments when in the presence of an employee or massage therapist.
- F. All walls, ceilings, floors, pools, showers, baths, and steam rooms and any other physical facilities shall be kept in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the massage establishment is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.
- G. Oils, creams, lotions, and other preparations used in administering massages shall be kept in clean, closed containers or cabinets.
- H. Each massage therapist shall wash his or her hands in hot running water using a proper soap or disinfectant before administering massage to any patron.
- I. No massage therapist, employee, or licensee shall perform, offer, or agree to perform any act which shall require the touching of a patron's sexual or genital area.
- J. Any reception or waiting area shall be open to the public and visible from outside of the immediate entrance, e.g., storefront windows and any entrance door shall be transparent and unobstructed. Any exterior windows or doors with a view to the waiting area or reception area must be free of any posting or material that would

obstruct the view of the waiting area or reception area from the outside of the establishment.

- K. No massage establishment granted a license under the provisions of this chapter 29A shall place, publish or distribute or cause to be placed, published or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.
- L. No massage establishment granted a license under the provisions of this chapter 29A shall depict, place, publish, distribute, or cause to be depicted, placed, published, or distributed any advertising matter that suggests to prospective patrons that any services are available other than those services permitted by this chapter 29A, or which would suggest that employees or massage therapists are dressed in any manner other than that permitted by this chapter 29A.
- M. No advertising will suggest or describe the physical characteristics of employees or massage therapists.
- N. No person shall be denied a massage or access to the massage establishment because of gender.

**3-29A-13: PERSONS UNDER AGE EIGHTEEN PROHIBITED ON PREMISES:**

It shall be unlawful to permit any person under the age of eighteen (18) years to be offered or receive a massage at any massage business establishment unless accompanied by, or with written consent of, a parent or legal guardian.

**3-29A-14: ALCOHOLIC BEVERAGES PROHIBITED:**

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on any premises used in any way for or by a massage business, patron or massage therapist.

**3-29A-15: HOURS AND MASSAGE THERAPIST ON PREMISES:**

No portion of any business premises used in any way for or by a massage business shall be kept open for any purpose between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M., and there shall be at least one state licensed massage therapist present on the business premises at all times when the massage establishment is open for business.

**3-29A-16: EMPLOYMENT OF MASSAGE THERAPIST:**

No person shall employ, as a massage therapist, any person unless the employee has obtained and has in effect a state license issued by the Illinois Department of Financial and Professional Regulation pursuant to the Illinois Massage Licensing Act, 225 Illinois Compiled Statutes 57/1, *et seq.*, as it may be amended from time to time. If a massage

establishment employs any person or hires any independent contractor who is not a stated licensed massage therapist, but performs or will perform any Asian bodywork approach or other bodywork approach, the establishment shall also procure a bodyworks business license pursuant to chapter 29B of this title, and any person that will perform Asian bodywork approaches that is not a massage therapist, shall first procure an Asian bodywork approach practitioner's license from the village in accordance with the requirements of chapter 29B of this title.

**3-29A-17: INSPECTIONS REQUIRED:**

Upon issuance of a massage establishment business license, in addition to the inspection requirements of section 3-29A-3 of this chapter, the licensee shall provide any representative of the village with reasonable opportunity to inspect the premises for which the permit is issued and to interview the licensee's agents, employees, and independent contractors under oral or written contract to perform massages on the business premises or off-site for the purpose of determining that the provisions of this chapter and other applicable ordinances and state and federal laws are being complied with. It shall be unlawful for any person to fail to allow any representative of the village access to the premises of the massage establishment or to hinder such access or to fail to provide such information in any manner.

**3-29A-18: UNLAWFUL ACTS:**

- A. It shall be unlawful for any person, in a massage establishment, to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital area of any other person.
- B. It shall be unlawful for any person, in a massage establishment, to expose his or her sexual or genital area to any other person. It shall also be unlawful for any person, in a massage establishment, to expose the sexual or genital area of any other person.
- C. It shall be unlawful for any person, while in the presence of any other person in a massage establishment, to fail to conceal with a fully opaque covering, the sexual or genital area of his or her body.
- D. It shall be unlawful for any person to perform, offer or agree to perform any act which shall require the touching of a patron's sexual or genital area or any unlawful act, as defined in 720 Illinois Compiled Statutes 5/11-14, 5/11-14.1, 5/11-14.3, and 5/11-14.4, which are incorporated as now or hereafter amended.
- E. It shall be unlawful for any person owning, operating or managing a massage establishment, to cause, allow or permit in or about such massage establishment, any agent, employee or any other person under his or her control or supervision to perform such acts prohibited in subsection A, B, C or D of this section.

F. It shall be unlawful for any licensee under this chapter to administer or permit massage within the village, except within the establishment licensed to carry on such business under this chapter or as outcall massage service.

G. It shall be unlawful for any massage service to be carried on within any cubicle, room, booth or any area within a massage establishment which is fitted with a door capable of being locked. Toilets and cubicles used solely for the application of liquid and vapor baths shall be clearly marked as to purposes on the exterior door or curtain of the cubicle, room or booth. Nothing contained in this chapter shall be construed to eliminate any other regulation concerning the maintenance of premises, or to preclude authorized inspection of any premises, whenever such inspection is deemed appropriate by the police or health departments.

**3-29A-19: MASSAGE ESTABLISHMENT LICENSE; EXEMPTIONS:**

The massage establishment license, otherwise required under this chapter 29A, shall not be required for hospitals, nursing homes, sanatoriums, or any facility at which a healthcare worker duly licensed by the state of Illinois provides, on an ongoing basis, professional health services to individuals, including, but not limited to, the offices of an occupational therapist licensed under the Illinois Occupational Therapy Practice Act, 225 Illinois Compiled Statutes 75/1 et seq.; a physical therapist licensed under the Medical Practice Act, 225 Illinois Compiled Statutes 60/1 et seq.; a chiropractor licensed under the Medical Practice Act, 225 Illinois Compiled Statutes 60/1 et seq.; and a naprapath listed under the Illinois Naprapathic Practice Act, 225 Illinois Compiled Statutes 63/1 et seq.

**3-29A-20: SALE OR TRANSFER OR CHANGE OF LOCATION:**

Upon sale, transfer or relocation of a massage business or the relocation of the massage establishment, the massage establishment license shall be null and void.

**3-29A-21: NAME AND PLACE OF BUSINESS:**

No person or entity granted a massage establishment license pursuant to this chapter shall operate the massage establishment under a name not specified in the license, nor shall the person conduct business under any designation or location not specified in the license, except that the location for outcall massage service need not be specified on the license.

**3-29A-22: JOINT AND SEVERAL LIABILITY:**

Any act or failure to act of an employee, a person performing massage at or on behalf of a massage establishment as an independent contractor or otherwise, or an agent of the licensee with respect to the licensed business shall be deemed to be the act of the licensee. The licensee and individual committing a violation are jointly and severally liable for any fines or penalties assessed pursuant to this chapter.

**3-29A-23: PENALTY FOR VIOLATION.**

- A. Any person violating any provisions of this chapter shall be punished by a fine in the amount of not less than \$1,000.00 nor more than \$100.00. A separate offense shall be deemed committed each time on each day during or on which violation occurs or is permitted to occur.
- B. Whenever a person, corporation, limited liability company, partnership, joint venture, firm and/or other entity violates any of the provisions of this chapter, the village may cause appropriate legal actions and proceedings, in law or in equity, to be instituted and maintained to enforce compliance herewith.

**CHAPTER 29B  
BODYWORK ESTABLISHMENTS AND LICENSING REQUIREMENTS FOR  
PRACTITIONERS OF ASIAN BODYWORK APPROACHES**

- 3-29B-1: DEFINITIONS:**
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IN LICENSE SUSPENSION OR REVOCATION**  
**3-29B-26: PENALTY FOR VIOLATION:**

**3-29-B-1: DEFINITIONS:**

The following words or phrases shall have the meanings ascribed to them below, unless otherwise indicated by the context:

**AOBTA:** The American Organization for Bodywork Therapies of Asia.

**APPLICANT:** Any person or entity seeking bodywork approach business license. If the applicant is a sole proprietorship, the information sought to be provided shall be for the individual owner; if a partnership, by each general and each limited partner; if a joint venture, by each joint venturer; if a corporation, by each officer, director and shareholder; if a limited liability company, by each manager and by each member owning or holding more than a 10% membership interest; if another entity, the information shall be provided for each \_\_\_\_\_. It shall also include the operations manager or other person principally in charge of the operation of the business. Applicant shall also include any person seeking an Asian bodywork approach practitioner's license.

**ASIAN BODYWORK APPROACH:** The treatment of the human body, and purported treatment of the human mind and spirit, including the electromagnetic or energetic field which surrounds and infuses it, by using pressure and/or manipulation of the soft tissue and acupoints of the human body based on Chinese medical principles for assessing and evaluating the human body's energetic system. It uses traditional Asian techniques and treatment strategies to primarily affect and balance the energetic system for treating the human body, emotions, mind, energy field and spirit for the promotion, maintenance and restoration of human health. Methods of assessment and evaluation include the Chinese Four Pillars of examination, observation, listening, asking, and touching. Assessments are based primarily on Chinese medicine parameters relating to the balance and circulation of the Five Essential Substances: Qi, Jing, Shen, Xue and Jin-ye. Treatment may include touching, pressing or holding of the body along meridians and/or on acupoints primarily with the hands, stretching, external application of medicinal plants or foods, heat or cold applications to the body, and dietary and/or exercise suggestions. Cupping, guasha, moxibustion and other methods and modalities may also be used, such as shiatsu, acupressure, Amma, Qigong, acupuncture, biomedicine, Tui Na, Jin Shin, Jyutsa, Chi Nei Tsan, Jin Sin Do, Thai bodywork and other trademark or other forms recognized by ABOTA.

**ASIAN BODYWORK APPROACH PRACTITIONER:** Any person who performs any Asian bodywork approach services to patrons or any person under such circumstances that it is reasonably expected that the person to whom such Asian bodywork approach

services are provided, or some third party on such person's behalf, will pay money or any other consideration or gratuity therefor.

**BODYWORK APPROACH BUSINESS:** A person acting as a sole proprietor, a corporation, limited liability company, partnership, joint venture, association, firm or entity having a source of income or compensation derived from the practice of one or more Asian bodywork approaches or other bodywork approaches, and which has a fixed place of business where any person, corporation, limited liability company, partnership, joint venture, association, firm or entity engages in or carries on Asian bodywork approach or other bodywork approach and/or hires employees, agents or enters oral or written contracts with individuals or independent contractors to perform Asian bodywork approach or other bodywork services for patrons for money, other consideration, or any gratuity.

**BODYWORK APPROACH PRACTITIONER:** Any person who performs an Asian bodywork approach and/or other bodywork approach services to patrons or any person under such circumstances that it is reasonably expected that the person to whom such Asian bodywork approach or other bodywork approach services are provided, or some third party, on such person's behalf will pay money or give other consideration or any gratuity therefor.

**CONVICTION:** A plea of guilty or *nolo contendere*, finding of guilty, jury verdict or entry of judgment by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge or first offender probation under the laws of any jurisdiction of the United States.

**EMPLOYEE:** Any person who renders any service in connection with the operation of a bodywork approach business and receives compensation from the operator of the business or patrons. All employees of a bodywork approach business shall be over the age of eighteen (18).

**LICENSEE:** The operator of a bodywork approach establishment business license and/or any person who holds a bodywork approach practitioner's license issued by the village.

**MASSAGE:** Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with hands or with aid of any mechanical electrical apparatus or appliances, with or without rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations used in this practice, under such circumstances that it is reasonably expected that the person to whom treatment is provided, or some third party on such persons behalf, will pay money or give other consideration or any gratuity therefor performed by a stated licensed massage therapist and which may include any bodywork approaches if performed by a state licensed massage therapist.

**MESSAGE BUSINESS:** A person acting as a sole proprietor, corporation, limited liability company, partnership, association, firm or other business or entity having a source of income or compensation derived from the practice of massage by one or more massage therapists.

**MESSAGE THERAPIST:** Any person who for consideration or gratuity performs a massage and who holds a valid massage therapy license issued by the Illinois Department of Financial and professional Regulation.

**NCBTMB:** The National Certification Board of Therapeutic Massage and Bodywork.

**NCCAOM:** The National Certification Commission for Acupuncture and Oriental Medicine.

**NCCA:** The National Commission for Certifying Agencies.

**NOBTA:** The National Organization of Bodywork Therapies of Asia.

**OTHER BODYWORK APPROACHES:** Recognized bodywork approaches and modalities, other than Asian bodywork approaches that are specifically exempt under Section 25 of the Massage Licensing Act (225 ILCS 57/25), including those that do not involve soft tissue manipulation, including Alexander Technique, Feldenkrais, Reike and Therapeutic Touch, and certain service marked bodywork techniques that involve soft tissue manipulation, including Rolfing, Trager Approach, Polarity Therapy and Orthobionomy if approved by their respective governing body based on a minimum level of training, demonstration of competency and adherence to ethical standards set by their governing body, and practitioners of bodywork who restrict manipulation to soft tissue to the feet, hands and ears, and who do not have the client disrobe, such as reflexology.

**OWNER:** Any person or legal entity who owns ten percent (10%) or greater interest in a bodywork approach business.

**PATRON:** Any person who receives one or more Asian bodywork approach services under such circumstances that it is reasonably expected that he or she will pay money or give other consideration therefore.

**SEXUAL OR GENITAL AREA:** The term sexual or genital area is defined as including the genitals, pubic area, anus or perineum of any person, or the vulva or breasts of a female.

**3-29B-2: BODYWORK APPROACH BUSINESS LICENSE:**

A. It shall be unlawful for any bodywork approach business establishment to operate in the village without a valid and current bodywork approach establishment business license issued by the village pursuant to the terms of this chapter. A separate

license shall be required for each bodywork business location regardless of whether multiple businesses are operated by the same person acting as a sole proprietor, corporation, limited liability company, partnership, joint venture, firm, association, or business. All practitioners offering Asian bodywork approaches require a village Asian bodywork practitioner license. A person offering or practicing Asian bodywork approaches shall have an Asian bodywork approach practitioner license issued by the village as described in section 3-29B-3.

B. It shall be unlawful for any massage business establishment licensed by the village pursuant to chapter 29A of this title, or individual massage therapist licensed and operating under the Massage Licensing Act, to employ, hire, sublease, contract or allow at any location where massage is performed, any practitioner of Asian bodywork approaches to perform or provide any Asian bodywork approaches unless that business also has a bodywork establishment business license under this chapter 29B, and each practitioner of Asian bodywork approaches procures an Asian bodywork approach practitioner's license from the village, and each practitioner of other bodywork approaches employed by or under contract with the massage business meets the minimum qualifications therefor as set forth in section 3-29B-7.

**3-29B-3: ASIAN BODYWORK APPROACH PRACTITIONER'S LICENSE REQUIRED:**

No person offering or providing Asian bodywork approaches shall perform a massage or any Asian bodywork approach without a State massage therapy license or a current valid Asian bodywork approach practitioner license issued by the village.

**3-29B-4: EXEMPTIONS:**

The provisions of this chapter shall not apply to:

A. Hospitals, nursing homes, or any facility at which a health care worker duly licensed by the State of Illinois provides on an ongoing basis, professional health services to individuals, or persons holding an unrevoked certificate to practice the healing arts under the laws of the State of Illinois, or to those working under the direction of any such persons in any such businesses, including the offices of an occupational therapist licensed under the Occupational Therapy Practice Act (225 ILCS 75/1, *et seq.*), a physical therapist licensed under the Physical Therapy Act (225 ILCS 90/1, *et seq.*), a physician or chiropractic physician licensed under the Medical Practice Act (225 ILCS 60/1, *et seq.*), a napropath licensed under the Napropathic Practice Act (225 ILCS 63/1, *et seq.*).

B. Any barber, cosmetologist, esthetician or nail technician lawfully carrying on their respective businesses to the extent authorized under a valid unrevoked license or certificate of registration issued by the State of Illinois; provided, this exemption is only intended to permit normal and customary barbering, cosmetology, esthetic and nail technology services which involve incidental physical contact, such as scalp rubs,

facials, and hand manipulations which otherwise qualify as massage activities or bodywork approach services. This exemption is not intended, and does not permit, general massage activities as part of any barber, cosmetologist, esthetician or nail technician business beyond that authorized by their State license or certification, nor does it permit bodywork approaches beyond that authorized by its state license.

B. Any athletic trainer registered in the State of Illinois who administers such athletic related massage or bodywork approach services in the normal course of training duties.

D. No Asian bodywork approach services shall be performed off the bodywork approach establishment business premises, including at the patron's premises, including the patron's place of business or residence, unless performed by a state licensed massage therapist.

E. Bona fide health/sport establishments which allow persons of all ages on the premises and which meet the following criteria:

1. The primary purpose of the establishment is health and fitness; massage and bodywork service is subsidiary;
2. No more than twenty per cent (20%) of the establishment revenue is derived from massage services and/or bodywork approach services; and
3. Massage and/or bodywork approach facilities shall not occupy more than ten per cent (10%) of the establishment's building.

F. Massage businesses licensed pursuant to chapter 29A of this title that do not perform or provide Asian bodywork approaches or other bodywork approaches by any person who is not a massage therapist.

### **3-29B-5: APPLICATION FOR BODYWORK APPROACH BUSINESS LICENSE AND INITIAL INSPECTIONS:**

Every applicant for a license to maintain, operate, or conduct a bodywork approach business shall file an application, under oath, with the village of Bartlett upon a form provided by the village clerk and pay a nonrefundable annual license fee, in the amount set forth in section 3-29B-11 and restated in section 3-1-1 of this title. Copies of the bodywork approach business license application shall be forwarded to the building director, the health inspector, and the community development director. Each such director or inspector, or his or her designee, shall, within thirty (30) days, inspect the premises proposed to be operated as a bodywork approach business and upon inspection, each inspector shall file a written report with the village clerk concerning compliance with the applicable regulations. A copy shall also be forwarded by the building director to the Bartlett Fire Protection District or other applicable fire district having jurisdiction. The application, once accepted, shall also be referred to the police

department for investigation. The police department will perform the required criminal record check, if any. Background investigations of shall require the submission of fingerprints. The cost of the criminal record check and cost of fingerprint submissions shall be borne by the applicant. Each application shall contain the following information for each applicant:

- A. A definition of service to be provided.
- B. The location, mailing address and all telephone numbers where the business is to be conducted.
- C. Federal employer identification number (FEIN) and state of Illinois business tax number (IBT).
- D. The name and residence address of each applicant (all provisions in this section which refer to applicant include an applicant which may be a person operating as a sole proprietorship, corporation, limited liability company, partnership, joint venture, or association).
  - 1. If applicant is a corporation, the name, primary residence address, driver's license number, social security number, and fingerprints of each officer, director and of each stockholder owning more than ten percent (10%) of the stock of the corporation or company (excluding corporations whose stock is traded), and the address of the corporation or company itself, if different from the address of the bodywork approach establishment. A certificate of good standing from the Secretary of State of the state of its incorporation shall also be submitted.
  - 2. If the applicant is a limited liability company, the name, primary residence address, driver's license number, social security number, and fingerprints of each manager and of each member that owns greater than a 10% membership interest in said company. The provisions of subsections E, F, G, H, I, J, K, L, and O shall be completed for each such person. A certificate of good standing from the Secretary of State of the state of its organization shall also be submitted.
  - 3. If applicant is a partnership, the name, primary residence address, driver's license number, social security number and fingerprints of each partner including limited partners, and the address of the partnership itself, if different from the address of the bodywork approach establishment. The provisions of subsections E, F, G, H, I, J, K, L, and O shall be completed for each such person.
- E. The two (2) previous addresses immediately prior to the present address of the applicant.
- F. Proof that the applicant is at least eighteen (18) years of age.
- G. Individual applicant's height, weight, color of eyes, hair and sex.

- H. Copy of driver's license or state identification card.
- I. One portrait photograph of the applicant at least one inch by one and one-half inches (1" x 1-1/2") and a complete set of applicant's fingerprints shall be taken by the chief of police or his/her agent. If the applicant is a partnership, limited liability company, or corporation, fingerprints of any and all officers, shareholders, directors, partners, members, managers or agents of the entity (except for massage therapists) along with the fee for each.
- J. Business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of application.
- K. The bodywork approach business or similar business license history of the applicant; whether such person, in previously operating in this or another municipality, county or state, has had a business license revoked or suspended, the reason for the revocation or suspension, and the business activity or occupation subsequent to such action of suspension or revocation.
- L. All criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crimes and place convicted. Convictions shall mean by plea of guilty or *nolo contendere*, finding of guilty, jury verdict or entry of judgment by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge or first offender probation under the laws of any jurisdiction of the United States: (i) that is a felony, or (ii) that is a misdemeanor, an essential element of which is dishonesty or that is directly related to the practice of the profession including, without limitation, the following Illinois offenses, or if found guilty outside the state of Illinois, would constitute the same offense if committed within the state of Illinois:
1. An offense involving the use of force and violence upon the person of another that amounts to a felony.
  2. An offense enumerated in any provision of article 11, entitled "sex offenses", of the Illinois criminal code, 720 Illinois Compiled Statutes 5/11-1, *et seq.*, as amended from time to time.
  3. A violation of the Illinois controlled substances act, 720 Illinois Compiled Statutes 570/100 *et seq.*, as amended from time to time.
  4. A violation of the Illinois cannabis control act, 720 Illinois Compiled Statutes 550/1 *et seq.*, as amended from time to time.
  5. A felony offense enumerated in article 24, deadly weapons, of the Illinois criminal code, 720 Illinois Compiled Statutes 5/24-1 *et seq.*, as amended from time to time, or any other offense that involves the use of weapons.

- M. The name and address of any other business owned or operated by any person whose name is required to be given in subsection D of this section.
- N. A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.
- O. Authorization of the village, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license, and to perform criminal background investigations as required by this chapter.
- P. A description of the proposed bodywork approach business, including the number of Asian bodywork approach practitioners, and the name, primary residence addresses, social security numbers, and driver's license number of each Asian bodywork approach practitioner and other bodywork practitioner that will be employed by the business, and stating what other activities or business will be conducted at the same location, and the physical facilities to be used.
- Q. A statement of whether the bodywork approach business will be conducted by a manager. In such case, the manager's name, address, telephone number and age shall be provided along with a statement of any convictions as set forth under subsection L above.
- R. A current certificate of inspection of the premises from an applicable county board of health, if required.
- S. The license fee and other fees as provided in section 3-29B-11.
- T. In the event applicant is made aware that any information or document submitted as part of this application process is inaccurate or incomplete, applicant shall immediately notify the village clerk and provide appropriate corrections. Failure to accurately and completely provide, or as necessary update, required information may delay the processing of such application or result in its denial or result in the suspension or revocation of an existing license.
- U. If a business intends to provide either bodywork approaches or modalities other than Asian bodywork approaches that are also exempt under Section 25 of the Massage Licensing Act (225 ILCS 57/25), then the business applicant shall for each employee or independent contractor that is intended to perform such other bodywork approaches or modalities shall furnish a certification of such modality approved by ABOTA, NCBTMB, NCAOM, or NCCA evidencing a minimum of 50 hours of training in that other bodywork approach or modality.
- V. If upon investigation, the village determines that the practitioner of other bodywork approaches licensure or certification may not be bona fide, or that the organization providing the licensure or certification may not be bona fide, the village may conduct

additional investigation by requiring the employee or independent contractor that will be performing other bodywork approach to submit to fingerprinting. When fingerprinting is required, the applicant shall present himself or any owner or herself for fingerprints to be taken by the village of Bartlett Police Department. Applicant (or any owner) shall pay the fingerprint fee as provided in section 3-29-11:(3) for each person required to submit fingerprints.

W. Proof of commercial general liability insurance of not less than \$1,000,000 combined single limit and \$1,000,000 general aggregate coverage for said business covering the acts and omissions of its employees, and such insurance coverage from each of its independent contractors or confirmation they are covered by the business' insurance policy, or proof of such insurance coverage by the individual Asian bodywork approach practitioner or other bodywork practitioner.

**3-29B-6. APPLICATION FOR VILLAGE ASIAN BODYWORK  
APPROACH PRACTITIONER LICENSE AND MINIMUM  
QUALIFICATIONS:**

Every person seeking a village Asian bodywork approach practitioner license shall make an application to the village clerk. Any person seeking an Asian bodywork approach practitioner license to perform Asian bodywork approach services defined by this chapter shall provide, in conjunction with his or her license application or upon request by the village clerk, information establishing the qualification for an Asian bodywork approach practitioner license. The village clerk shall have the right to confirm any of the information asked for or provided in the applications. Applications shall include the following:

- A. The name (including nicknames or aliases) and address, telephone number, social security number, driver's license number, and age of the applicant. .
- B. The location where the Asian bodywork approach will be performed.
- C. The Asian bodywork approach license fee as provided in section 3-1-1.
- D. Business, occupation, or employment of each Asian bodywork approach practitioner employee and independent contractors of the applicant for five years immediately preceding the date of application.
- E. Fingerprints for running a background check by the Bartlett Police Department, and an investigation authorization on forms furnished by each applicant authorizing the Bartlett Police Department to conduct a criminal background check and receive reports from the Illinois State Police, the FBI and other law enforcement agencies.
- F. Two passport size photographs (1 inch by 1.5 inches) of the applicant and owners (head and shoulders area, face forward) shall be provided by the applicant to be used in the investigation of the applicant, the preparation of a photo identification

license card, and the identification of the license holder following issuance. Provided, in the case of a renewal application, the village clerk may waive the requirement for photographs if the applicant's photographs are on file and new photo identification permit cards are not to be issued.

G. Certification from the American Organization of Bodywork Therapies of Asia (AOBTA) that the applicant is a professional member and certifying or approving the applicant as a practitioner of Asian bodyworks, or if the applicant is approved by another Asian bodywork organization based on a minimum level of training, demonstration of competency, and adherence to ethical standards set by their governing body meeting the following requirements:

1. The applicant has a current certification with the NCBTMB; or
2. The applicant has been certified or approved by another Asian bodywork organization that has a curriculum in Asian bodywork based on actual classroom or formal education, and without membership or certification by such organization based on apprentice hours; or
3. The applicant shall have graduated from an Asian bodyworks school or Oriental school of medicine with a minimum 300 hour curriculum that includes Asian bodywork, Chinese medical theory, anatomy and physiology, and clinical practice, provided such school is accredited by the ABOTA, NCBTMB or the NCCAOM.

H. The application shall include:

1. The name, address, telephone number and web site address of the Asian bodywork approach school;
2. The name of all faculty members of the Asian bodywork school who provided education or training to the applicant including those teachers Asian bodywork certifications, experience and educational background;
3. The Applicant shall provide a copy of his or her school transcript which shall include identification of all courses taken, the number of hours for those courses, a passing grade for all those courses, a copy of their tuition bill, and proof of payment of tuition.
4. A copy of the ethical standards of the school or Asian bodywork organization.
5. Such other information as may be reasonably required by the village to establish the accuracy and legitimacy of the other information provided pursuant to this section.

6. The burden of establishing the minimum qualifications shall be on the applicant.
- I. No certification or approval from an Asian bodywork approach school shall be accepted by the village clerk if all or a portion of the credits used for the certification of the applicant were earned in a country other than the United States of America.
  - J. No Asian bodywork approach practitioner license shall be issued by the village clerk unless the village clerk has received written verification from the Asian bodywork approach school that the applicant has successfully completed the requirements of the Asian bodywork approach school's program.
  - K. If upon investigation, the village determines that an applicant's licensure or certification may not be bona fide, or that the organization providing the licensure or certification may not be bona fide, or that the Asian bodywork organization or school has not verified the accuracy of the documents required by this section are true and correct, the village clerk may deny the Asian bodywork approach practitioner license. The village clerk shall notify the applicant of the bodywork approach business licensee and any applicant for a village Asian bodywork approach practitioner license of the reasons for the denial in writing at the address of the applicant listed on the application. The applicant shall have the right to establish the bona fide nature of the licensure or certification in writing.
  - L. At the time of an after the village issues an Asian bodyworks approach practitioner license under this chapter, it shall be the obligation of the licensee to provide the village with all of the information set forth in this section for each new or different Asian bodywork approach practitioner prior to the time that person commences work at the licensed premises.
  - M. Payment of the applicable fees as set forth in section 3-29B-11.

**3-29B-7: MINIMUM QUALIFICATIONS FOR OTHER  
BODYWORK PRACTITIONERS:**

- A. If a business intends to provide either bodywork approaches or modalities other than Asian bodywork approaches that are also exempt under Section 25 of the Massage Licensing Act (225 ILCS 57/25), then the business applicant shall for each employee or independent contractor that is intended to perform such other bodywork approaches or modalities shall furnish a certification of such modality approved by ABOTA, NCBTMB, NCAOM, or NCCA evidencing a minimum of 50 hours of training in that other bodywork approach or modality.
- B. Documents establishing that any person proposing to practice under any other bodywork approach satisfies the minimum qualifications for bodywork approach practitioner license including, but not limited to:

1. Documents showing the name, address and telephone number of the organization, association or school issuing the certificates or membership to the persons employed by the business as well a copy of its curriculum; and
  2. Documents from the organization, association or school issuing the certificates establishing the minimum level of training, testing and ethical standards set by the governing body of the organization or association; and
  3. The name and address of the governing body of the organization, association or school; and
  4. Proof that the person has completed the level of training, demonstrated competency, and adherence to ethical standards by records of the governing association establishing the practitioner's attendance at the program, including the date the practitioner began training; the date of completion of the practitioner's training program; proof of payment of the practitioner's tuition, and the identity including the name, business address, website address, and telephone number(s) for the faculty, testers or other persons involved in the training, testing and establishment of ethical standards of their school or governing body and the name and address of the governing body.
  5. Any licenses or certificates for each practitioner; and
  6. Such other information as maybe reasonably required by the village to establish the accuracy and legitimacy of the other information provided pursuant to this section.
- C. If upon investigation, the village determines that the practitioner of other bodywork approaches licensure or certification may not be bona fide, or that the organization providing the licensure or certification may not be bona fide, the village may conduct additional investigation by requiring the employee or independent contractor that will be performing other bodywork approach to submit to fingerprinting. When fingerprinting is required, the applicant shall present himself or any owner or herself for fingerprints to be taken by the village of Bartlett Police Department. Applicant (or any owner) shall pay the fingerprint fee as provided in section 3-29-11:C for each person required to submit fingerprints.
- D. In the event the practitioner of other bodywork approaches does not meet the minimum criteria for the bodywork approach, the business shall not be authorized to offer that bodywork approach or modality service, or advertise that it will provide that service unless another employee or independent contractor under contract to perform that other bodywork approach meets the minimum requirements therefor set forth in this section.

**3-29B-8: APPLICATION PROCESSING:**

- A. An application shall not be considered proper or filed until all information and material required of the applicant has been submitted to the village clerk.
- B. Upon receipt of a proper application, the village clerk shall investigate the information contained in the application and shall determine whether the applicant, owners and the premises designated, and each Asian bodywork approach practitioner, whether an owner, employee or independent contractor, are in compliance with applicable state and local laws.
- C. The investigation, including inspections and background checks, shall be completed within forty-five (45) days after receipt of a proper and complete application. Provided, the village clerk may extend this investigation period by an additional period upon a finding that such additional period is needed to properly complete the investigation or where the village clerk's work load associated with the number of applications submitted under this chapter 29B makes the processing of the application impractical. Provided, whenever such an extension period is invoked, written notice shall be provided to the applicant along with the specific reasons for such extension.
- D. If, within ten (10) days, following completion of the investigation, the village clerk determines that the applicant and/or premises are in compliance with the applicable laws of the village, the village clerk shall issue the bodywork approach business license and/or Asian bodywork approach practitioner license or licenses.
- E. If, within ten (10) days, following completion of the investigation, the village clerk determines that the applicant, owners, Asian bodywork approach practitioner and/or premises are not in compliance with the applicable laws of the village, the village clerk shall notify the applicant or applicants in writing that its, his, or her license has been denied, setting forth the reasons therefor, and advising the applicant of his or her right to a hearing pursuant to section 3-29B-24. Such denial shall be final and effective on the 11<sup>th</sup> day following mailing of the notice by the village clerk. The fee paid by the business applicant pursuant to section 3-29B-11, shall be returned, less \$50.00 which will be retained as a processing fee. Any fees paid by the practitioner pursuant to section 3-29B-11 shall be returned, less \$25.00 which shall be retained as a processing fee.

**3-29B-9: POSTING OF LICENSE, PHOTO IDENTIFICATION CARD:**

- A. The village Bodywork approach business license issued shall be available for public inspection and review upon request, if said licenses are not posted and available for immediate inspection in the reception area for patrons, if any, or in the bodywork approach work area.

- B. Every massage therapist working at a massage business establishment that also provides Asian bodywork approach services shall possess his or her state license and a government issued photo identification card while on the licensed premises and produce such state license and identification card upon request of any representative of the village of Bartlett.
- C. Every Asian bodywork approach practitioner shall possess his or her village Asian bodywork approach practitioner license and a government issued photo identification card while on the licensed premises, and produce such village license and identification card upon request by any representative of the village of Bartlett.
- D. Every practitioner of other bodywork approaches shall possess a government photo identification card while on the premises, and produce said identification card upon request by any representative of the village of Bartlett.

**3-29B-10: LIMITATION ON ISSUANCE AND RENEWAL OF LICENSE:**

No bodywork approach business license or Asian bodywork approach practitioner license shall be issued or renewed:

- A. To an applicant or owner who has been convicted of the following offenses:
  - 1. Any offense involving sexual misconduct with children or other sex offenses as defined in Article II of the Criminal Code of 1961, as amended.
  - 2. Any felony based upon conduct or involvement in such business or activity or related or similar business or activity, within the past ten years; or
  - 3. Any felony unrelated to conduct or involvement in such business or activity or related or similar business or activity, but which felony involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including rape or prostitution, within the past five years; or
  - 4. Any misdemeanor or licensing ordinance violation, based upon conduct or involvement in such business or activity or related or similar business or activity, within the past five years.
- B. To an applicant, owner or agent or straw person for such applicant or owner whose license issued under this chapter 29B, massage business license issued pursuant to chapter 29A, or business license issued pursuant to chapter 1 of this title prior to the effective date of this ordinance has been revoked for cause.
- C. To an applicant or owner who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- D. To an applicant or owner under the age of 18 years of age.

- E. To an applicant or owner where grounds for revocation exists as provided under section 3-29B-23.
- F. In addition to the provisions stated above, no bodywork approach business license shall be issued or renewed as follows:
  - 1. To a corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the "Business Corporation Act of 1983", as amended, to transact business in Illinois and is in good standing, or to a limited liability company, unless it is organized in Illinois and is in good standing.
  - 2. To any applicant or owner whose place of business is conducted by a manager unless the manager possesses the same qualifications required by the licensee.

**3-29B-11: FEES:**

- A. The fee for a bodywork approach business license shall be \$200.00 and such license shall be valid for one year from May 1 to April 30 of the each year. The fee for 2015 shall be prorated and credit shall be given for any business license fee paid for the period May 1, 2015 through April 30, 2015.
- B. The fee for an Asian bodywork approach practitioner license shall be \$75.00 and such license shall be valid for one year from May 1 to April 30 of each year, but shall be prorated for the year 2015.
- C. A fingerprint fee of equal to the current rate being charged by the Illinois State Police for processing fingerprints shall be paid for each person required to submit fingerprints under this chapter.

**3-29B-12: EXPIRATION OF BODYWORK APPROACH BUSINESS LICENSE, PRACTITIONER LICENSE, AND RENEWAL:**

- A. Each bodywork approach business license or Asian bodywork approach practitioner's license shall expire each year on April 30 and may be renewed only by making application as provided in section 3-29B-5. Provided, in lieu of full submittal, an applicant or owner may, on forms provided by the village clerk, certify that the information previously provided remains true and valid. This renewal application shall be processed as provided in section 3-29B-5. Application for renewal should be made at least 30 days before the expiration date, the expiration of the Asian bodywork approach license will not be affected. Renewal applications for bodywork approach business licenses and Asian bodywork practitioner's licenses shall be obtained from the village clerk's office.
- B. When the village clerk denies renewal of a bodywork approach business license and Asian bodywork approach practitioner's license as provided for in this chapter 29B,

the applicant or owner shall not be considered for a license or permit for one year from the date of denial. Provided, if subsequent to denial the village clerk finds that the basis for denial of the renewal license has been corrected or abated, the applicant or owner may be granted a license.

- C. Upon expiration of an Asian bodywork approach practitioner license, the practitioner shall renew his/her application for a license on a form issued by the village clerk's office.

**3-29B-13: BODYWORK APPROACH BUSINESS FACILITIES AND OPERATING REQUIREMENTS:**

No license or renewal thereof, shall be issued to conduct a bodywork approach business unless an inspection, conducted not less than once each year, discloses that the business complies with each of the following minimum requirements:

- A. Hot and cold running water shall be provided.
- B. Adequate private dressing and toilet facilities shall be provided for patrons.
- C. All walls, ceilings, floors, steam rooms, and other physical facilities in a bodywork approach business shall be kept in good repair, and maintained in a clean and sanitary condition.
- D. All bodywork approach business shall be provided with clean, laundered sheets and towels which shall be laundered after each use by an individual patron and stored in a sanitary manner. All towels and linens furnished for use of one patron shall not be refurnished for use of another patron until laundered.
- E. Every portion of the bodywork approach business, including appliances and apparatus, shall be kept clean and operated in a sanitary manner.
- F. Prices for all services shall be prominently posted in the reception area in a location available to all prospective customers.
- G. All employees, including Asian bodywork approach practitioners or other bodywork approach practitioners, shall be clean and wear clean, nontransparent outer garments.
- H. The sexual or genital areas of patrons must be covered with nontransparent towels, cloths, or undergarments when in the presence of an employee, Asian bodywork approach practitioner, or other bodywork approach practitioner.
- I. All walls, ceilings, floors, pools, showers, baths, and steam rooms and any other physical facilities shall be kept in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the bodywork approach

business establishment is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

- J. Oils, creams, lotions, and other preparations used in administering bodywork approach services shall be kept in clean, closed containers or cabinets.
- K. Each Asian bodywork approach practitioner or other bodywork approach practitioner shall wash his or her hands in hot running water using a proper soap or disinfectant before administering bodywork approach services to any patron.
- L. No Asian bodywork approach practitioner or other bodywork approach practitioner, employee, or licensee shall perform, offer, or agree to perform any act which shall require the touching of a patron's sexual or genital area.
- M. Any reception or waiting area shall be open to the public and visible from outside of the immediate entrance, e.g., storefront windows and any entrance door shall be transparent and unobstructed. Any exterior windows or doors with a view to the waiting area or reception area must be free of any posting or material that would obstruct the view of the waiting area or reception area from the outside of the establishment.
- N. No bodywork approach business granted a license under the provisions of this chapter 29B shall place, publish or distribute or cause to be placed, published or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any bodywork approach services.
- O. No bodywork approach business granted a license under the provisions of this chapter 29B shall depict, place, publish, distribute, or cause to be depicted, placed, published, or distributed any advertising matter that suggests to prospective patrons that any services are available other than those services permitted by this chapter 29B, or which would suggest that employees, Asian bodywork approach practitioners or other bodywork approach practitioners are dressed in any manner other than that permitted by this chapter 29B.
- P. No advertising will suggest or describe the physical characteristics of employees, Asian bodywork approach practitioners, or other bodywork approach practitioners.
- Q. No person shall be denied bodywork approach services or access to the bodywork approach business because of gender.

**3-29B-14: PERSONS UNDER AGE EIGHTEEN PROHIBITED ON PREMISES.**

It shall be unlawful to permit any person under the age of eighteen (18) years to be offered or receive Asian bodywork approaches at any bodywork approach business establishment unless accompanied by, or with written consent of, a parent or legal guardian.

**3-29B-15: ALCOHOLIC BEVERAGES PROHIBITED:**

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on any premises used in any way for or by a bodywork approach business, patron or bodywork approach practitioner.

**3-29B-16: HOURS:**

No portion of any business premises used in any way for or by an bodywork approach business shall be kept open for any purpose between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M.

**3-29B-17: PROHIBITED ACTS AND CONDITIONS:**

- A. No employee, independent contractor or operator of a bodywork approach business or holder of an Asian bodywork approach practitioner license shall perform, offer or agree to perform any act which would require the touching of a patron's sexual or genital area.
- B. The sexual or genital areas of patrons shall be covered by towels, clothing, cloths or undergarments at all times when in the presence of an employee, Asian bodywork approach practitioner or other bodywork practitioner.
- C. It shall be unlawful for any person, knowingly, in a bodywork approach business establishment to place his or her hand upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital area of any other person.
- D. No employee or operator shall administer Asian bodywork approach services or other bodywork approach services to a patron exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption, unless a physician duly licensed by the State of Illinois certifies in writing that such persons may safely receive Asian bodywork approach or other bodywork approach services prescribing the conditions thereof.
- E. Bodywork approach business employees, independent contractors and agents, and Asian bodywork approach practitioners must wear clean, non-transparent outer garments fully covering the sexual or genital area.
- F. Bodywork approach businesses are prohibited from advertising in ways which would suggest that employees are dressed in a way other than that allowed in this section, or that any massage or services other than those defined by this chapter are available.

- G. Any Bodywork approach business license and an Asian bodywork approach practitioner license issued under this chapter shall be displayed in a conspicuous location within the customer area of a licensed business.
- H. At all times during the hours of operation of a bodywork approach business there shall be present a manager or other employee of the license holder who shall be not less than 18 years of age.
- I. No bodywork approach business license holder shall employ as a massage therapist any person unless said person has obtained and has in effect a license issued by the State of Illinois, or an Asian bodywork approach practitioner unless said person has obtained and has in effect an Asian bodywork practitioner license issued by the village of Bartlett.
- J. It shall be unlawful for any business which holds a license to operate a bodywork approach business within the village to fail to comply with the conditions and regulations set forth in this chapter or to suffer or permit noncompliance with such conditions and regulations of this chapter on or within the licensed premises.
- K. It shall be unlawful for any business licensed as provided in this chapter to operate under any name or conduct business under any designation not specified in such license.
- L. The doors to the individual rooms in which bodywork approach services take place shall not be equipped with any locking device and shall not be blocked or obstructed from either side.
- M. The doors which customers use for egress and ingress to any bodywork approach business shall not be locked during regular business hours. For purposes of this section regular business hours shall be considered anytime in which bodywork approach services are being offered on a licensed premises.
- N. No person providing bodywork approach services shall escort the person receiving the said services from the customer or patron's parked vehicle into the premises where the bodywork approach services are to be performed.
- O. It shall be unlawful for any business licensed as provided in this chapter 29B to advertise or use any other business name to advertise any service which is not authorized by this chapter or State statute in any manner. Internet advertisements containing unlawful advertising and listing the address of a licensed business shall be presumed to have been originated by the license holder at that address who shall bear the burden by clear and convincing evidence to establish that the advertising was not placed by the licensed business or its agent.
- P. All persons working for a licensed business or applying for an Asian bodywork approach practitioner's license shall have an Illinois Drivers License or Illinois

Secretary of State identification card present with them while working on a licensed premise.

- Q. Any business holding a bodywork approach business license shall be liable for the acts of its employees and independent contractors performing Asian bodywork approach services and/or other bodywork approach services on the licensed premises without scienter of the employee's or independent contractor's acts. All persons offering or providing Asian bodywork approach services or other bodywork approach services in any licensed bodywork approach business shall be presumed to be employees of that business and not independent contractors, or sub-lessees, unless overcome by clear and convincing evidence.

**3-29B-18. PREMISES RESTRICTIONS:**

- A. The bodywork approach business premises shall be in compliance with applicable codes and ordinances of the village, including, but not limited to, zoning, building and life safety codes and all state laws and county health codes and regulations.
- B. When any license shall have been revoked for cause, no license shall be granted to any person or entity for a period of three (3) years thereafter for any bodywork approach business or the conduct of an Asian bodywork approach or other bodywork approach or modality in the premises described in the revoked license.

**3-29B-19: PERIODIC INSPECTIONS OF BODYWORK APPROACH BUSINESSES AND PREMISES:**

The village administrator, or his/her authorized designee, shall from time to time, and at least once a year, make an inspection of each bodywork approach business granted a license under the provisions of this chapter 29B for the purposes of determining that the provisions of this chapter are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any license holder to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

**3-29B-20: TRANSFER, CHANGES OF OWNERSHIP OR MANAGEMENT:**

- A. Any bodywork approach business license issued pursuant to this chapter shall be applicable only to the specific business licensee, practitioner license and location designated, and may not be sold, transferred, or otherwise assigned. Provided, where the licensee remains the same, but a request is made to designate and substitute a different location, the village clerk may approve such new location upon submission of proof that such location is in compliance with this chapter. A fee of \$50.00 shall be required for processing such location changes.

- B. Any permit issued pursuant to the Bartlett Municipal Code shall be applicable only for the specific business designated, and may not be sold, transferred or otherwise assigned, except where ownership of the business remains identical.
- C. A transfer in the ownership or control of a bodywork approach business shall constitute change in the licensee and the existing license shall be deemed surrendered, extinguished and void. A new application and license shall be filed and processed as provided in section 3-29B-5 prior to such transfer taking effect. Any transfer in the ownership of a bodywork approach business in violation of this chapter 29B shall constitute operation of such business without a license.
- D. No bodywork approach business, or person issued an Asian bodywork approach practitioner license under this chapter shall use the name or telephone number of a prior bodywork approach business after the transfer of ownership or control of an bodywork approach business or any name or telephone number which is different than those in the application for the bodywork approach business license issued by the village.
- E. Notice shall be provided prior to any change of the designated manager conducting business for the bodywork approach business license. The new manager shall be qualified to operate the bodywork approach business as provided in section 3-29B-5. The licensee shall, not less than ten business days before such change is to take effect, give the village clerk written notice of such change. The notice shall include any information concerning the new manager which is required in section 3-29B-5 of this chapter.

**3-29B-21: JOINT AND SEVERAL LIABILITY:**

Any act or failure to act of an employee, a person performing massage at or on behalf of a massage establishment as an independent contractor or otherwise, or an agent of the licensee with respect to the licensed business shall be deemed to be the act of the licensee. The licensee and individual committing a violation are jointly and severally liable for any fines or penalties assessed pursuant to this chapter.

**3-29B-22: NOTICE OF REVOCATION, SUSPENSION OR REFUSAL OF A LICENSE OR CERTIFICATE:**

No bodywork approach business license or Asian bodywork approach practitioner's license shall be revoked, suspended, or refused until the applicant, license holder or Asian bodywork approach practitioner license holder has received written notice from the village clerk at the address provided in the application on file with the village. The notice shall set forth the allegations of why the license should be revoked, suspended, or refused. Said written notice shall be served upon the bodywork approach business license holder or Asian bodywork approach practitioner's license holder, as the case may be, by delivering the same personally or by leaving such notice at the place of business or residence of the license holder representative or Asian bodywork approach practitioner license holder manager identified in the applicable application. The license

holder shall notify the village within 48 hours of any change in the name or address of its representative. If the applicable licensee cannot be found, and the service of such notice cannot be otherwise made in the manner therein provided, a copy of such notice shall be sent by certified mail, postage prepaid, and by regular mail, postage prepaid, addressed to the bodywork approach business license holder or Asian bodywork approach practitioner license holder at the licensee's place of business or residence on file with the village. The revocation or suspension of an bodywork approach business license, and/or Asian bodywork approach practitioner license shall be deemed effective three business days after personal service or after the mailing of the written notice as provided herein.

### **3-29B-23: REVOCATION OR SUSPENSION OF A LICENSE:**

The license of a bodywork approach business and/or Asian bodywork approach practitioner may be revoked or suspended, in addition to the fines provided for in section 3-29B-26 herein, upon one or more of the following grounds:

- A. The bodywork approach business license holder or Asian bodywork approach practitioner license holder has committed an act(s) of fraud or deceit in the application for license, or renewal thereof, submitted to the village clerk.
- B. The bodywork approach business license holder or Asian bodywork approach practitioner license holder is engaged in the practice of massage without a State Massage Therapy license under a false or assumed name, or is impersonating a state licensed massage therapist or another Asian bodywork approach practitioner of a like or different name.
- C. The bodywork approach business license holder or Asian bodywork approach practitioner license holder has committed an act of fraudulent, false, misleading or deceptive advertising, or prescribing medicines, drugs, or practices any other licensed profession without legal authority therefore.
- D. The bodywork approach business license holder or Asian bodywork approach practitioner license holder has committed an act(s) of prostitution, sexual offense, or trafficking in controlled substances after the date of issuance of a bodywork approach business license or Asian bodywork approach practitioner license.
- E. The bodywork approach business license holder or Asian bodywork approach practitioner license holder is found to be in violation of any section of this chapter 29B.
- F. The bodywork approach business license holder or Asian bodywork approach practitioner license holder permits an act or acts of prostitution or solicitation for an act or acts of prostitution to be performed within the premises or elsewhere or permits any procedure during the performance of services within or off the premises that are performed for the purpose of sexual arousal or gratification of any patron, or

should reasonably be expected to cause such result, or permits the use of trafficking of controlled substances or cannabis on the premises.

- G. The bodywork approach business license holder or Asian bodywork approach practitioner license holder performs an act of prostitution within the premises or off the premises or solicits an act of prostitution on or off the premises or performs services within or without the premises in such a manner for the purpose of sexual arousal or gratification of a patron, or should reasonably be expected to cause such result, or the licensee uses or is trafficking in controlled substances or cannabis.
- H. The bodywork approach business license holder or Asian bodywork approach practitioner license holder has violated or is not in compliance with this chapter and the license has been suspended within the preceding 24 months.
- I. A bodywork approach business license holder or Asian bodywork approach practitioner license holder who knowingly conducted massage activities or provided bodywork approach services in the village during a period of time when the license holder's license was suspended.
- J. Within a 24-month period, a person or persons committed an offense as listed in section 3-29B-3:L, which substantially occurred in or on a licensed premises, and for which a conviction has been obtained, and the person or persons were employees or independent contractors under contract of the bodywork approach business license holder at the time the offenses were committed. The fact that a conviction is being appealed shall have no effect on the revocation of the license.
- K. A bodywork approach business license holder or Asian bodywork approach practitioner license holder is delinquent in payment to the village for ad valorem taxes or other taxes or fees related to the bodywork approach business.

**3-29B-24: HEARING:**

- A. Any applicant, owner, bodywork approach business license holder or Asian bodywork approach practitioner license applicant or holder who receives a notice of denial, revocation or suspension may file a request for hearing with the village administrator as provided herein. Such request shall be filed with the village administrator in writing no later than ten (10) business days following receipt of the notice, and shall include a response to the village clerk's notice. Such response shall include a brief statement addressing the substantive deficiencies cited in the village clerk's notice and shall set forth the basis for why the license should not be denied, revoked or suspended. If a request for hearing is filed of an order of the village clerk suspending or revoking a license, such suspension or revocation shall be stayed pending final order of the village administrator as provided in this section. If a request for hearing is not filed, the village administrator may review the allegations and any other pertinent material, and enter a ruling revoking, suspending or refusing to issue a license.

- B. When any applicant, bodywork approach business licensee or Asian bodywork approach practitioner licensee requests a hearing, the village administrator shall schedule an informal public hearing not later than twenty-one (21) days following receipt of such request. The village administrator may designate a hearing officer to schedule, convene and conduct the public hearing. In such case, the hearing officer shall have the same powers as the village administrator to administer oaths and to continue the hearing from time to time to permit the applicant or licensee, as the case may be, to provide additional information. The purpose of the hearing will be to offer the applicant or licensee an opportunity to show cause why the application should not be denied or the license suspended or revoked. The village administrator may designate an administrative hearing officer. A record shall be made of the public hearing and documents may be submitted and/or testimony given, either in person or through sworn affidavit. The Illinois Code of Civil Procedure shall not be applicable to such hearing. Hearsay may be admissible so long as the village administrator or hearing officer determines that it bears an indicia of reliability and so long as the rules associated with hearsay are equally applied to all participants in the hearing. This record may be made by electronic recording. The village administrator or hearing officer shall have the power to administer oaths and to continue the hearing from time to time to permit the applicant to provide additional information. Where such designation has been made, the hearing officer shall submit proposed findings and recommendations to the village administrator within 14 days of the close of the hearing.
- C. Any violation of this chapter 29B or unlawful act of any employee, or any independent contractor under contract with such business, of a licensed bodywork approach business committed on a licensed premises shall be attributable to the licensed bodywork approach business.
- D. Within 28 days after the close of hearing set forth in subsection B above, the village administrator shall make written findings of fact and issue an appropriate order. A copy of such order shall be promptly served upon the applicant, bodywork approach business license holder or Asian bodywork approach practitioner license holder. If the village administrator determines that the license should be revoked or suspended, the suspension or revocation shall take effect immediately upon receipt unless otherwise specified.
- E. The decision of the village administrator as provided in subsection D above shall be the final administrative action of the village with respect to the license or application, and shall be subject to the immediate appeal by the applicant, bodywork approach business license holder, or Asian bodywork approach practitioner license holder to the circuit court of Cook County. Such appeal to the circuit court or Administrative Review Act shall be filed not later than 35 days following receipt of the village administrator's findings and order. Failure to file such appeal as provided herein shall render the village administrator decision final.

**3-29B-25: REIMBURSEMENT OF COSTS FOR INVESTIGATION RESULTING IN BUSINESS LICENSE SUSPENSION OR REVOCATION:**

In the event that the village of Bartlett conducts an investigation of a licensed bodywork approach business, which results in the revocation or suspension of its business license, the licensee shall reimburse the village for any and all of the village's costs for the investigation and hearing. In the event the village of Bartlett conducts an investigation of a licensed Asian bodywork approach practitioner which results in the revocation or suspension of the licensee's Asian bodywork approach practitioner's license, the said licensee shall reimburse the village for all of the village's costs for the investigation and hearing. Failure to pay such costs within ten (10) days' written notice from the village shall result in the continuance of any suspension until such time as those costs are paid and no bodywork approach business license shall be issued or renewed for such a business at the same location until such costs have been paid to the village. The village shall have such additional or further remedies for collection of such costs as are available by law.

**3-29B-26: PENALTY FOR VIOLATION:**

- A. Any person, corporation, limited liability company, partnership, joint venture, association, firm or entity found guilty of violation, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this chapter shall be punished by a fine of not less than \$100.00, nor more than \$1,000.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to any other penalty, a license holder violating any provision of this chapter may be subject to having their license revoked, suspended or not renewed.
  
- B. Whenever a person, corporation, limited liability company, partnership, joint venture, firm and/or other entity violates any of the provisions of this chapter, the village may cause appropriate legal actions and proceedings, in law or in equity, to be instituted and maintained to enforce compliance herewith.

**SECTION TWO: SEVERABILITY.** The various provisions of this Ordinance are to be considered as severable, and if any court of competent jurisdiction shall hold any part or portion of this Ordinance invalid, such decision shall not affect the validity of the remaining provision of this Ordinance.

**SECTION THREE: REPEAL OF PRIOR ORDINANCES.** All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**SECTION FOUR: EFFECTIVE DATE.** This Ordinance shall become effective ten days after its passage, execution by the Village President and publication in pamphlet form as required by law. All massage businesses, bodywork approach businesses, Asian bodywork approach practitioners, and persons subject to the

conditions of this Ordinance shall immediately comply with the terms and conditions of this Ordinance, there specifically being no grandfathering of existing massage businesses or persons providing massages being grandfathered based upon prior practices or ordinances of the Village of Bartlett, however, all massage businesses, bodywork approach businesses and Asian bodywork approach practitioners shall have sixty (60) days from the passage of this Ordinance to submit proper applications to comply and all documentation required by this Ordinance to the Village Clerk.

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

PASSED:

APPROVED:

\_\_\_\_\_  
Kevin Wallace, Village President

**ATTEST:**

\_\_\_\_\_  
Lorna Giles, Village Clerk

### CERTIFICATION

I, the undersigned, do hereby certify that I am the village clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 2015-\_\_\_\_\_, enacted on September 1, 2015, and approved on September 1, 2015, and published in pamphlet form on September 2, 2015, as the same appears from the official records of the Village of Bartlett.

\_\_\_\_\_  
Lorna Giles, Village Clerk



## Agenda Item Executive Summary

Item Name New Business License Ordinance Committee or Board Board

### BUDGET IMPACT

Amount: N/A Budgeted N/A

List what fund N/A

### EXECUTIVE SUMMARY

The Village's Business License requirements need updating, and attached is an ordinance which amends Chapter 1 to Title 3 of the Bartlett Municipal Code, which sets forth the new general business license regulations.

One of the primary changes is that if a business license is denied or is to be suspended for more than 10 days, or revoked, the appeal of that decision would go to the Village President, as opposed to the Village President and whole Board, as that would be overly cumbersome.

I recommend the Board pass the attached Ordinance which amends the general licensing requirements.

MOTION: I move the passage of Ordinance 2015- \_\_\_\_\_, An Ordinance Amending Title 3, Chapter 1, of the Bartlett Municipal Code entitled "Licenses", as presented.

### ATTACHMENTS (PLEASE LIST)

Ordinance is attached.

### ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion:

Staff: Bryan Mraz, Village Attorney Date: 8/24/2015

**BRYAN E. MRAZ**  
BEM@MRAZLAW.COM

**DAVID W. GULLION**  
ASSOCIATE  
DWG@MRAZLAW.COM

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**MEMORANDUM**

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**TO:** President and Board of Trustees of the Village of Bartlett  
Valerie L. Salmons, Village Administrator

**FROM:** Bryan E. Mraz, Village Attorney

**DATE:** August 21, 2015

**RE:** New Business License Ordinance

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The Village's Business License requirements need updating, and attached find an ordinance which amends Chapter 1 to Title 3 of the Bartlett Municipal Code, which sets forth the new general business license regulations.

During the discussion at a prior Committee of the Whole meeting on new Massage Establishments and Asian bodywork approach regulations, I advised the Board that I was also redrafting the general business license requirements. One of the primary changes is that if a business license is denied or is to be suspended for more than 10 days, or revoked, the appeal of that decision would go to the Village President, as opposed to the Village President and whole Board, as that would be overly cumbersome.

Another ordinance that creates two new chapters to Title 3 of the Bartlett Municipal Code, Chapter 29A to regulate and license Massage Establishments, and Chapter 29B to regulate and license bodywork approach businesses and Asian bodywork approach practitioners, is being presented to you this evening under a separate cover Memo and Ordinance.

Accordingly, I recommend the Board pass the attached Ordinance which amends the general licensing requirements.

**MOTION:** I move the passage of Ordinance 2015 - \_\_\_\_\_, "AN ORDINANCE AMENDING TITLE 3, CHAPTER 1, OF THE BARTLETT MUNICIPAL CODE ENTITLED 'LICENSES'", AS PRESENTED.

**ORDINANCE 2015 - \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 1, OF THE  
BARTLETT MUNICIPAL CODE ENTITLED "LICENSES"**

\_\_\_\_\_

**Adopted by the President and Board of Trustees  
of the Village of Bartlett  
on the 1st day of September, 2015**

**Published in Pamphlet Form by the Authority of the  
Corporate Authorities of the Village of Bartlett,  
Cook, DuPage and Kane Counties, Illinois  
this 2nd day of September, 2015.**

ORDINANCE 2015 - \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 1, OF THE  
BARTLETT MUNICIPAL CODE ENTITLED "LICENSES"**

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**BE IT ORDAINED** by the President and Board of Trustees of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, as follows:

**SECTION ONE:** That Title 3, Chapter 1, of the Bartlett Municipal Code is hereby repealed and is amended by adding the following replacement Chapter 1:

**CHAPTER 1**

**LICENSES**

- 3-1-1: PURPOSE, LICENSE REQUIRED; FEES:**
- 3-1-2: DEFINITIONS AND RULES OF CONSTRUCTION:**
- 3-1-3: APPLICATIONS:**
- 3-1-4: INVESTIGATIONS:**
- 3-1-5: APPROVAL; DISAPPROVAL:**
- 3-1-6: APPEAL OF DENIAL:**
- 3-1-7: LICENSE TERM; EXPIRATION; RENEWAL:**
- 3-1-8: LICENSES NOT ASSIGNABLE; UNLAWFUL USE:**
- 3-1-9: LICENSE TO BE POSTED:**
- 3-1-10: BUILDING AND PREMISES:**
- 3-1-11: LOCATION:**
- 3-1-12: NUISANCES PROHIBITED:**
- 3-1-13: INVESTIGATION AND INSPECTIONS:**
- 3-1-14: ENFORCEMENT AUTHORITY:**
- 3-1-15: SUSPENSION; REVOCATION OF LICENSE:**
- 3-1-16: RESERVED:**
- 3-1-17: PENALTY; ENFORCEMENT:**

**3-1-1: PURPOSE; LICENSE REQUIRED; FEES; SPECIAL REGULATIONS:**

A. Because each commercial establishment located in the village is a basic part of and affects the physical and economic well-being of the village necessitating services from the village in the form of building, health and police inspections and other services, and fire inspections by the Bartlett Fire Protection District, such commercial establishments shall in all respects be in full compliance with the provisions contained in this title. This title is designed to provide for the means whereby the village may render the necessary inspections and services to commercial establishments and commercial activities in order to promote, protect, and safeguard

the public health, safety, and welfare of the residents and consumers of the village and to enable the effecting of an accurate record of commercial establishments located and carrying on commercial activities or commerce within the village.

- B. No person shall conduct, engage in, or maintain, operate, carry on, or manage any commercial establishment or activity either by himself or itself, or through an agent, employee, or partner, without first having obtained a license for such activity or commercial establishment. Whenever in this title, or in any village ordinance, a license or permit is required for the maintenance, operation or conduct of any business or commercial establishment, or for doing business or engaging in any activity or occupation, any person, partnership, joint venture, firm, corporation, limited liability company, trust or other entity shall be subject to such requirement if by himself or itself, or through an employee, partner, joint venture, officer, manager, trustee, or agent, he or it is held forth as being engaged in such business, activity or occupation, or if he or it solicits patronage therefor, actively or passively; or if he or it performs or attempts to perform any part of such business, activity or occupation in the village.
- C. A license is required for the maintenance, operation, or conduct of any commercial establishment or activity, and any person, firm, or corporation shall be subject to the requirement, if, by himself or itself, or through an agent, employee, partner, officer, manager of, independent contractor acting on its or his behalf, he or it is held forth as being engaged in the activity or commercial establishment, or if he or it solicits patronage therefor, actively or passively, or if he or it performs or attempts to perform any part of such activity or commercial establishment in the village.
- D. Whenever a person engages in more than one licensed business or activity in the village, or uses any device requiring payment of a license fee, such person shall obtain such business or activity and for each such device.
- E. No person shall engage in or conduct the usual operations of any of the businesses, trades or occupations specified in column I of this section without first obtaining a license therefor and paying the annual license fee therefor specified in column II of this section. Each licensee shall comply with any special regulations for his business, trade or occupation specified in the section numbers listed in column III of this section.

<b>I Business, Trade Or Occupation</b>	<b>II License Fee</b>	<b>III Special Regulations In This Title</b>
Amplifiers	\$10 .00 per request	<a href="#">Chapter 22</a>
Amusements:		
Amusement devices	\$200.00 per machine per year	<a href="#">Chapter 4</a>
Public places of amusement:		
Athletic contests and exhibitions	\$20 .00 per day	<a href="#">Chapter 4</a>
Automobile show	\$25.00 per day	
Balloon contest	\$10.00 per day	
Carnival, circus or sideshow	\$50.00 per day	<a href="#">Chapter 4</a>
Concert, minstrel or musical entertainment given under canvas	\$5.00 per performance	<a href="#">Chapter 4</a>
Horse or dog show	\$25.00 per day	
Jukeboxes	\$50.00 per machine per year	
Public dance	\$15.00 per dance	
Public skating rink	\$25.00 per year	
Rodeo	\$25.00 per day	
Stock or poultry show	\$25.00 per day	
Theater (motion picture or dramatic) and cabaret (for each seat contained in the theater)	\$25.00 per year plus \$5.00 per seat	<a href="#">Chapter 4</a>
Answering service	\$50.00 for the first year	<a href="#">Chapter 24</a>
	\$25.00 per year thereafter	

Asian bodywork approach practitioner	\$75.00 per year	<a href="#">Chapter 29B</a>
Asphalt plants	\$200.00 per year	<a href="#">Chapter 13</a>
Auctioneers	\$10.00 per day	<a href="#">Chapter 20</a>
	\$25.00 per year	
Automobile service station	\$100.00 per year	<a href="#">Chapter 8</a>
Bakeries and bakery vehicles:		
Itinerant vendor of bakery products Each delivery vehicle (see Wholesale food vendor)	\$50.00 per year	<a href="#">Chapter 25</a>
Retail bakery (see Retail food establishment)	\$125.00 per year	<a href="#">Chapter 25</a>
Wholesale bakery (see Wholesale food establishment)	\$100.00 per year	<a href="#">Chapter 25</a>
Banking institutions	\$50.00 per year	
Barbershops	\$50.00 per year plus \$10.00 per year for each chair in excess of 1	<a href="#">Chapter 23</a>
Billiard and pool halls	\$300.00 per year plus \$25.00 per table per year (if in conjunction with liquor license, \$25.00 per table per year)	<a href="#">Chapter 4</a>
Bodywork approach establishment	\$200.00 per year	<a href="#">Chapter 29B</a>
Bodywork approach Practitioner	\$50.00 per year	<a href="#">Chapter 29B</a>
Bowling alleys	\$20.00 per alley per year	<a href="#">Chapter 4</a>
Brokers (other than real estate and insurance)	\$50 .00 per year	
Bus service companies	\$100.00 per year plus \$50.00 per bus per year	<a href="#">Chapter 12</a>

Catering services and establishment:		<a href="#">Chapter 25</a>
Service location or establishment	\$100.00 per year	
Central station	\$50.00 for the first year \$25.00 per year thereafter	<a href="#">Chapter 24</a>
Community antenna television system	5 percent of the annual gross revenues during the franchise term	
Confectionery stores	\$125.00 per year	<a href="#">Chapter 25</a>
Contractors:		
General contractor	\$100.00 per year	
Subcontractors	\$50.00 per year	
Day nursery/nursery school	\$50.00 per year	
Dealer - precious metals:		<a href="#">Chapter 17</a>
Itinerant dealer	\$50.00 per week	
Precious metal dealer	\$250.00 per year	
Delicatessens (see Retail food establishment)	\$140.00 per year	
Dogs	\$2.00 per year	<a href="#">Title 5, Chapter 2</a>
Dry cleaning establishment (self-service coin operated):		
For each dry cleaning machine up to and including the first 10 machines		
For each machine in excess of 10 maintained on the premises		
Dry cleaning plant:		<a href="#">Chapter 5</a>
Not over 10 employees	\$50.00 per year	

11 - 15 employees	\$60.00 per year	
16 - 35 employees	\$70.00 per year	
36 - 60 employees	\$80.00 per year	
Each additional employee over 60	\$1.00	
Dry cleaning retail outlet	\$25.00 per year	<a href="#">Chapter 5</a>
Factories:		<a href="#">Chapter 14</a>
1 - 9 employees	\$100.00 per year	
10 - 25 employees	\$200.00 per year	
26 or more employees	\$300.00 per year	
Fish markets (see retail food establishment)	\$125.00 per year	<a href="#">Chapter 25</a>
Florists	\$75.00 per year	
Food delivery vehicles and food dispensers	\$150.00 per year	<a href="#">Chapter 25</a>
Food vending machines, coin operated:		<a href="#">Chapter 25</a>
\$0.01 machine	\$2.00 per year	
\$0.05 machine	\$5.00 per year	
\$0.10 - \$1.00 machines	\$10.00 per year	
Fruit and vegetable stands (see Retail food establishment):		<a href="#">Chapter 25</a>
Permanent	\$100.00 per year	
Seasonal	\$75.00 per year	
Game rooms:		
Class A	\$50.00 per year	<a href="#">Chapter 4</a>
Class B	\$100.00 per year	<a href="#">Chapter 4</a>
Class C	\$150.00 per year	<a href="#">Chapter 4</a>

Class D	\$200.00 per year	<a href="#">Chapter 4</a>
Garage, yard or rummage sale	No charge	<a href="#">Chapter 21</a>
Garages (public):		<a href="#">Chapter 10</a>
Enclosed within a building	\$50.00 per year	
Not enclosed within a building (see Parking lot)	\$50.00 per year	<a href="#">Chapter 10</a>
Gasoline service stations	See Automobile service station	<a href="#">Chapter 8</a>
Gravel pits	\$200.00 per year	<a href="#">Chapter 16</a>
Grocery stores (see Retail food establishment)	\$175.00 per year	<a href="#">Chapter 25</a>
Hardware stores and implement dealers	\$75.00 per year	
Hotels and motels:		
Per room for each sleeping room used for guests	\$150.00 per year plus \$5.00 per unit	<a href="#">Chapter 6</a>
Ice cream stores or parlors (retail) (see Retail food establishment)	\$125.00 per year	<a href="#">Chapter 25</a>
Ice cream vendors	\$150.00 for the first year \$100.00 per year thereafter	<a href="#">Chapter 30</a>
Itinerant merchants and transient vendors	See Solicitors	<a href="#">Chapter 18</a>
Junk peddlers	See Solicitors	<a href="#">Chapter 18</a>
Laundry (self-service coin operated):		<a href="#">Chapter 5</a>
Not exceeding 10 washing machines	\$50.00 per year	
Each additional unit	\$5.00 per year	
Liquefied petroleum gas:		
Equipment installation	\$15.00 per permit	Section <a href="#">8-5-7</a>

Plant	\$50.00 per year	<a href="#">Subsection 8-5-3A</a>
Storage facility	\$50.00 per year	<a href="#">Subsection 8-5-3B</a>
Liquor sales:		<a href="#">Chapter 3</a>
Class A	\$1,250.00 per year	
Class A extended	\$1,600.00 per year	
Class B	\$900.00 per year	
Class C	\$950.00 per year	
Class C extended	\$850.00 per year	
Class D	\$5.00 per year	
Class F	\$1,000.00 per year	
Class G	\$950.00 per year	
Class H	\$850.00 per year	
Class I	\$1,250.00 per year	
Class J	\$100.00 per year	
Class K	\$200.00 per year	
Class L	\$900.00 per year	
Class M	\$200.00 per year plus \$25.00 per amendment to add catered event(s) not included in the initial application	
Class N	\$2,000.00 per year	
Class O	\$100.00 per year plus \$25.00 per additional special use permit per catered event not included in the initial application	
Lumberyards and lumber storehouses	\$50.00 per year	
Machine shops:		<a href="#">Chapter 14</a>

1 - 10 employees	\$150.00 per year	
More than 10 employees	\$300.00 per year	
Massage establishment	\$100.00 per year	<a href="#">Chapter 29A</a>
Meat dealers and meat markets (see Retail food establishment)	\$125.00 per year	<a href="#">Chapter 25</a>
Milk products and milk:		<a href="#">Chapter 25</a>
Dealer (see Retail food establishment)	\$100 .00 per year	
For each vehicle used in delivery or sale (see Peddlers or Wholesale food vendor)	\$50.00 per vehicle	
Processing or bottling plant	\$200.00 per year	
Mining operations	\$200.00 per year	<a href="#">Chapter 16</a>
Mobile home park	\$50.00 per year	<a href="#">Chapter 27</a>
Modified central station	\$50.00 for the first year \$25 .00 per year thereafter	<a href="#">Chapter 24</a>
Motor vehicle repair establishments:		
1 employee	\$20.00 per year	
2 employees	\$25.00 per year	
3 employees	\$30.00 per year	
4 employees	\$35.00 per year	
5 employees	\$45.00 per year	
6 or more employees	\$60.00 per year	
Parking lot	\$50.00 per year	<a href="#">Chapter 9</a>
Pawnbroker	\$50.00 per year	
Peddlers	See Solicitors	<a href="#">Chapter 18</a>
Public garages	See Garages (public)	<a href="#">Chapter 10</a>
Quarry, gravel pits, mining	\$200 .00 per year	<a href="#">Chapter 16</a>

operations		
Radio and TV sales and service	\$50.00 per year	
Raffles	\$5.00 per year	<a href="#">Chapter 19</a>
Redi mix plants	\$200.00 per year	<a href="#">Chapter 15</a>
Restaurant:		
Itinerant food establishment	\$25.00 per application	
Service accommodation for 100 or fewer seating capacity	\$150.00 per year	
Service accommodation for 100 or more seating capacity	\$200.00 per year	
Retail food establishment:		
Delicatessen	\$140.00 per year	<a href="#">Chapter 25</a>
Food sales, retail	\$150.00 per year	<a href="#">Chapter 25</a>
Grocery	\$175.00 per year	<a href="#">Chapter 25</a>
Ice cream store (including all ice cream products)	\$125.00 per year	<a href="#">Chapter 25</a>
Scavengers	\$250.00 per year per vehicle	<a href="#">Chapter 26</a>
Secondhand dealers (antique, etc.)	\$50.00 per year	<a href="#">Chapter 17</a>
Solicitors:		<a href="#">Chapter 18</a>
Commercial	\$7.50 per day per person \$37.50 per week per person \$75.00 per month per person \$150.00 per year per person	
Registration:		
Charitable	\$10.00 per person	
Commercial	\$10.00 per person	
Newspaper	\$10.00 per person	
Stables	\$300.00 per year	<a href="#">Chapter 7</a>

Taxicabs	\$50.00 per year plus \$25.00 per operator per year	<a href="#">Chapter 11</a>
Tobacco dealers:		
Cigarettes, vending machines	\$25.00 per machine per year	
Retail - over the counter	\$50 .00 per year	
Wholesale tobacco dealers	\$250.00 per year plus \$25.00 for each vehicle used in Bartlett	
Trailer coach park	\$50 .00 per year	<a href="#">Chapter 27</a>
Vending machines:		
Beverage	\$10.00 per machine per year	
Food - candy, nut, gum	\$10.00 per machine per year	<a href="#">Chapter 25</a>
Video gaming terminal	\$25.00 per terminal per year	<a href="#">Chapter 31</a>
Wholesale food establishment:		
Baker	\$100.00 per year	
Food vendor (each vehicle)	\$50.00 per year	
All other special commercial establishments not specified:		<a href="#">Chapter 28</a>
0 - 1,000 square feet	\$50.00 per year	
1,001 - 5,000 square feet	\$100.00 per year	
5,001 - 10,000 square feet	\$150.00 per year	
10,001 - 20,000 square feet	\$200.00 per year	
20,001 - 30,000 square feet	\$300.00 per year	
30,001 square feet and over	\$400.00 per year	

(1984 Code; amd. Ord. 85-27, 3-19-1985; Ord. 85-41, 4-23-1985; Ord. 86-19, 3-18-1986; Ord. 89-21, 3-21-1989; Ord. 90-85, 9-4-1990; Ord. 90-86, 9-4-1990; Ord. 95-47, 5-16-1995; Ord. 95-127, 12-19-1995; Ord. 2001-07, 1-16-2001; Ord. 2005-51, 5-17-2005; Ord. 2005-73, 7-5-2005; Ord. 2006-105, 10-3-2006; Ord. 2008-11, 2-5-2008; Ord. 2008-49, 6-3-2008; Ord. 2008-88, 9-2-2008; Ord. 2009-103, 11-3-2009; Ord. 2012-50, 7-3-2012; Ord. 2012-52, 7-17-2012; Ord. 2013-40, 5-21-2013; Ord. 2013-79, 10-1-2013; Ord. 2014-19, 4-1-2014; Ord. 2015-\_\_\_\_, 9-\_\_\_\_-15)

### **3-1-2: DEFINITIONS AND RULES OF CONSTRUCTION:**

The following words and terms shall have the meanings set forth, except where otherwise specifically indicated. Words and terms not defined shall have the meanings indicated by common dictionary definition.

**ALARM BUSINESS:** See chapter 24 of this title.

**ALARM USER:** See chapter 24 of this title.

**AMPLIFIER:** Any device which amplifies or magnifies sound.

**AMUSEMENT DEVICE, GAME ROOM:** See chapter 4 of this title.

**APPLICANT:** The individual owner of a sole proprietorship; each general and limited partner of a partnership; each joint venturer of a joint venture; each director and officer of a corporation, and except for publicly traded corporations, each shareholder that owns 25% or more of said corporation's stock; each manager and each member of a limited liability company that owns 25% or greater membership interest in said limited liability company.

**ASIAN BODYWORK APPROACH:** See chapter 29B of this title.

**ASPHALT PLANT:** A plant or facility which produces or makes or processes asphalt or bituminous concrete.

**AUCTION/AUCTIONEER:** One who engages in the public sale of property to the highest bidder.

**AUTOMOBILE SERVICE STATION:** Any place of business where gasoline, or any highly volatile fuel for motor vehicles or internal combustion engines is sold or offered for sale at retail, and dispensed into fuel tanks of such motor vehicles, or any place of business where motor vehicles are repaired. This definition shall include also the private storage and dispensing of such products for the same purpose as that served by a service station, whether the storage is maintained for the use or benefit of the owner, lessee, agents or employees of either, or any others (nonbusiness stations).

**BARBERSHOP:** Any building, room, place or establishment wherein is carried on the occupation of shaving or trimming beards or cutting and dressing the hair of patrons for money or other consideration.

**BODYWORK APPROACH ESTABLISHMENT:** See chapter 29B of this title.

**BUS:** Every motor vehicle, other than a commuter van, designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor

vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

**BUS SERVICE:** The business or occupation of providing buses for compensation.

**CATERING SERVICE:** The service of providing food or beverages for private residents and business establishments. See also chapter 3 of this title when alcoholic beverages are proposed to be served.

**COMMERCIAL ESTABLISHMENTS** includes the following activities of commerce or commercial activity located in the village.

1. **FOOD ESTABLISHMENT** is a building or premises or a portion thereof the principal use of which is for the sale or dispensing or distribution or serving or storage of food, foodstuff, or drink for consumption on or off the premises or in or out of the building.
2. **RETAIL SALES ESTABLISHMENT** is a building or premises or portion thereof the principal use of which is for the retail sale or distribution of merchandise, goods or chattel not included with or related to the sale of material goods or chattel or the provision of services of food establishments or service establishments.
3. **SERVICE ESTABLISHMENT** is a building or premises or a portion thereof the principal use of which is for the rendering of personal or material services to consumers for profit, including but not limited to the wholesale distribution, or storage of material goods or chattel, the sale or servicing or storage of motor equipment, the washing or cleaning or dyeing or repair of fabrics of wearing apparel or footwear on the premises, the storage or assembly or distribution or servicing or repair of building materials or electrical equipment or mechanical equipment, the storage or distribution of fuels or petroleum products, the services of printing or blueprinting or photocopying or multilithing or publishing or duplicating or similar reproduction services, the provision of facilities for a hotel or motor hotel or apartment hotel or similar structure housing facilities for the transient or permanent guests or persons the provision of facilities for instruction or training or participation in or presentation of the fine arts or athletic skills or dexterity of physical skills or dexterity.

The term "commercial establishment" shall not include:

1. A "home occupation" as defined in chapter 2 of title 10 of this Code;
2. A governmental unit;
3. A public utility or cable television company which is subject to regulation by the Federal Communications Commission or the state commerce commission and which operates in the village pursuant to a franchise agreement with the village.

4. A massage establishment which shall be governed by chapter 29A, except for the fees therefor repeated in section 3-1-1 of this chapter.
5. A bodywork approach establishment, bodywork approach practitioner and Asian bodywork approach practitioner which are governed by chapter 29B, except for the respective fees therefor which are repeated in section 3-1-1 of this chapter.

**CONVICTION:** A plea of guilty or *nolo contendere*, finding of guilty, jury verdict or entry of judgment by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge or first offender probation under the laws of any jurisdiction of the United States.

**DRY CLEANING ESTABLISHMENT:** A place where there is kept or used more than two (2) quarts of naphtha, benzene, carbon tetrachloride, or any other volatile inflammable liquids or other solvents customarily used in the dry cleaning industry.

**FACTORY:** A building or group of buildings, usually with equipment, used for the manufacture of goods. (1984 Code)

**FLOOR AREA:** The sum total of the gross horizontal areas of the several floors of a building and its accessory buildings in square feet from the exterior walls or from the centerline of party walls separating two (2) buildings or business establishments on each of the respective floors and includes the basement floor, cellar floor, elevator shafts and stairwells at each floor, floor space used for mechanical equipment, whether open or enclosed. In computing such floor area, there shall not be included open area devoted to vehicular parking or loading or storage of materials. (Ord. 86-19, 3-18-1986)

**FOOD ESTABLISHMENTS:** Any place where food, food products, drinks or beverages are manufactured, processed, packaged, stored or sold for consumption, on or off the premises. The term shall include, without limitation, bakeries, delicatessens, groceries, meat, fish or poultry markets, confectioneries, fruit and vegetable shops, food or drink processing plants, package food or drink stores or warehouses and other similar food establishments.

**FLORIST:** Any person engaged in the business of selling flowers, shrubs or ornamental plants at retail.

**GAME ROOM:** See chapter 4 of this title.

**GARBAGE:** Refuse, animal or vegetable matter, trash, rubbish or junk.

**GRAVEL PITS:** A place where gravel, sand, clay, dirt or other materials is mined, excavated or otherwise removed from the earth.

**ITINERANT FOOD ESTABLISHMENT:** One operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering.

**ITINERANT JUNK DEALER:** Any person who goes to any premises in the village, with or without a prior appointment or prearrangement with the occupant of such premises, or goes upon any public street, sidewalk or other property owned by the village, to sell, offer for sale, or to buy, purchase, barter or exchange, or to take orders for the present or future delivery of junk.

**JUNK:** Old iron, glass, paper, discarded materials or appliances which may be used again in some form; waste; refuse.

**LOTTERY:** See chapter 19 of this title.

**LUMBER YARD:** A place where lumber or millwork is stored or sold.

**MINING OPERATIONS:** The removal from the earth of gravel, sand, clay, dirt, ore, metal, coal or precious stones.

**MASSAGE ESTABLISHMENT:** See chapter 29A of this title.

**MASSAGE THERAPIST:** See chapter 29B of this title.

**MOBILE FOOD ESTABLISHMENT:** Any mobile vehicle from which food, drink or other substances for human consumption are sold, offered for sale, manufactured, stored, dispensed or otherwise handled.

**MOBILE HOME PARK:** See chapter 27 of this title.

**MOTEL or AUTO COURT:** Any parking lot or garage for the accommodation of motor vehicles where transient sleeping accommodations of five (5) or more units are afforded or provided on the same premises for the public or for the occupants of such automobiles.

**PARKING LOT:** Any place maintained for the outdoor parking of cars, except streets, alleys or other public places, where such parking is permitted upon the payment of compensation or is made available to patrons or customers of any place of business.

**QUARRY:** An open excavation, usually for obtaining gravel, building stone, slate or limestone.

**RAFFLES:** See chapter 19 of this title.

**REDI-MIX PLANT:** A place where cement is mixed with water and other materials to produce concrete.

**RESTAURANT:** A food establishment where any kind of food or drink is prepared and served to the public for consumption on the premises. The term shall include restaurants, ice cream parlors, lunchrooms, tea rooms, lunch stands, box lunch

deliveries, cafeterias and retail drug stores serving counter lunches and drinks, caterers and industrial food servers dispensing food or drinks to office personnel or employees of an industrial plant.

RESTAURANT, ITINERANT: A restaurant operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering. (1984 Code)

RETAIL SALES ESTABLISHMENT: A building or premises or portion thereof the principal use of which is for retail sale or distribution of material goods or chattel. (Ord. 86-19, 3-18-86)

SCAVENGER: One who is engaged in the business or occupation of collecting garbage.

SECONDHAND STORE: A store or place of business which sells used or previously owned merchandise including, without limitation, antiques. (1984 Code)

SERVICE ESTABLISHMENT: A building or premises or portion thereof the principal use of which is for the rendering of personal or material services for profit. (Ord. 86-19, 3-18-86)

STABLE: A business where horses, ponies, donkeys, mules or other animals ordinarily used for riding are kept, boarded or otherwise maintained for public hire, or for any remuneration.

TAXICABS: Any vehicle used to carry passengers for hire but not operating a fixed route and shall include livery cabs.

TRAILER COACH PARK: See chapter 27 of this title.

The term "person" as used in this chapter shall include sole proprietorships, partnerships, joint ventures, corporations, limited liability companies, trusts, and all other business associations, firms or entities.

The masculine pronoun shall be construed to include the feminine and the neuter, and the singular pronoun shall be construed to include the plural.

**3-1-3: APPLICATIONS:**

- A. Applications for all licenses required by this chapter shall be made to the village clerk or her designees in writing on a form prepared by the village.
- B. If the applicant is an individual (sole proprietorship), the application shall contain his name, date of birth, driver's license number and state of issuance, residential address, residential telephone number, business address, business phone number, and website address (if any). If the applicant is a partnership, joint venturer, or other

non-corporate business entity, the application shall contain the name, date of birth, driver's license number and state of issuance, residential address and residential telephone number of each partner, joint venturer, principal, or member. If the applicant is a corporation, the application shall contain the name, date of birth, and residential address of each principal officer and the registered agent thereof. If the applicant is a limited liability company, the application shall contain the name, date of birth and residential address of each manager.

C. Each application shall be under oath and also shall contain:

1. Applicant's name, including any business or assumed name used or proposed to be used by applicant.
2. A brief description of the nature of applicant's business and the goods to be sold or services to be rendered by applicant.
3. A designation of the type or kind of license desired.
4. The location or proposed location of the commercial establishment or activity to be conducted and the phone number and website address (if any) of the commercial establishment.
5. The period of time for which the license is requested.
6. The date, or approximate date, of the latest previous application for license under this Code, if any.
7. The names of all other cities and villages in which the applicant has been licensed or has been denied a license within the past three (3) years.
8. Applicant's business addresses for the previous three (3) years and the number of the certificate of registration for the commercial establishment required under the Retailers' Occupation Tax Act (35 ILCS 120/1, *et seq.*), Service Occupation Tax Act (35 ILCS 115/1, *et seq.*), and/or Use Tax Act (35 ILCS 105/1, *et seq.*), if applicable.
9. The applicable fee to be paid.
10. Such additional information as may be needed for the proper guidance of village officials in the evaluation of such application, including but not limited to:
  - a. Proof of any insurance policy or bond if required.
  - b. Identity of management employees and their position with the applicant.
  - c. Applicants' businesses in other communities.
  - d. Whether the applicant has ever had a previous license denied, revoked, or suspended.

- e. Whether the applicant has ever voluntarily withdrawn a license or application for a license during or pending an investigation for the suspension or revocation of that license.
- f. Whether the applicant: (1) has ever been convicted of a felony; 2) has ever been convicted of a misdemeanor involving injury to a person or property within the past ten (10) years; or 3) has been convicted of a misdemeanor involving theft or deception an essential element of which is dishonesty, within the past five (5) years, under the laws of the State, or any other state, or the laws of the United States, and if so, a detailed description of such felony or misdemeanor.
- g. Whether the applicant has ever been found guilty of a violation of any of the provisions of the Bartlett Municipal Code or the substantially identical provisions of the ordinance of any other municipality and if so, a detailed description of such violation.
- h. Whether any complaint against the applicant, or any entity represented by him, to the Consumer Fraud Division of the Attorney General's office has resulted in a finding that the consumer fraud laws of the State have been violated.
- i. If the applicant is a corporation, the information requested in the foregoing subsections 10.f. through 10.h., all inclusive, must be furnished for each officer and director, and for each shareholder who owns or controls, directly or indirectly through any other person or entity, twenty five percent (25%) or more of the outstanding stock of such corporation.
- j. If the applicant is a limited liability company, the information requested in the foregoing subsections 10.f. through 10.h., all inclusive, must be furnished for each manager and for each member who owns or controls, directly or indirectly, through any other person or entity, twenty-five per cent (25%) or more membership interest in the limited liability company.
- k. If the applicant is a limited partnership, the information requested in the foregoing subsections 10.f. through 10.h., all inclusive, must be furnished for each general partner, and names and addresses for all limited partners shall be listed, indicating which partners are general which are limited.
- l. If the applicant is a joint venture, the information requested in the foregoing subsections 10.f. through 10.h., all inclusive, must be furnished for each joint venturer.
- m. If the applicant is a partnership or joint venture and any partner is a corporation or limited liability company, the information requested in the foregoing subsections 10.i. or 10.j. shall be submitted for each such entity.
- n. If the applicant is a corporation or limited liability company, proof of corporate good standing from the applicable Secretary of State.
- o. If the applicant is employed by, or represents another person or entity, credentials evidencing such employment, agency or authorization to represent such person or entity shall be submitted with the application.
- p. If the premises of the commercial establishment are owned by the applicant, the applicant shall furnish a copy of the deed to the property where the commercial establishment is or will be located. If the premises of the commercial establishment are not owned by the applicant, the applicant shall

furnish a copy of the commercial lease or license agreement signed by the owner of the property or the landlord's agent and by the person or commercial establishment applying for the business license (with rental amount and any proprietary information redacted).

**3-1-4: INVESTIGATION:**

- A. Where this chapter requires or when it is deemed reasonably necessary or appropriate, an investigation or inspection by any department or official of the village before the issuance of a license, and requires the approval of such department or official regarding the property location or condition of the premises in which the commercial establishment or activity for which a license is applied is to be managed, conducted, operated, or carried on, or regarding the condition and nature of the equipment and methods intended to be used by the applicant in such activity or commercial establishment, the village clerk shall transmit to the appropriate official or department such information necessary for the required investigation or inspection.
- B. If it shall appear to the village clerk that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the applicant for the inclusion of such additional information as may be specified by the village clerk.
- C. The designated official or department in a reasonable time after receiving a copy of the application:
  - 1. Shall make all necessary investigations and inspections, and the results thereof shall be reported in writing to the village clerk; and
  - 2. Shall indicate on the application a recommendation for the approval or disapproval thereof.

**3-1-5: APPROVAL; DISAPPROVAL:**

- A. If, after due consideration of the information contained within the application and related investigative and inspections reports, the village clerk determines that the applicant meets the standards set forth, the village clerk shall approve the application. The village clerk shall notify the applicant that the application has been approved and shall issue a license. All licenses shall be subject to the provisions of this Code which may be in force at the time of the issuance thereof or which may subsequently be passed by the village board of trustees.
- B. If, after due consideration of the information contained within the application and related investigative and inspection reports, the village clerk determines that matters concerning the application are unsatisfactory, the village clerk shall disapprove the application, indicating the reasons therefor. Thereupon, the village clerk shall notify the applicant that the application has not been approved and that no license will be issued and the license fee paid shall be refunded.

**3-1-6: APPEAL OF DENIAL:**

- A. Any person aggrieved by the decision of the village clerk in regard to the denial of an application for a business license, as provided in this chapter, shall have the right to appeal to the village president. Such appeal shall be taken by filing with the village clerk within five days after notice of a denial of an application, a written statement under oath setting forth specifically the grounds for appeal. The village president shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in section 3-1-15:D. The decision of the village president on such appeal shall be final.
- B. The acceptance of the license, upon reversal by the village president, shall constitute a waiver of all claims against the village, the village clerk, or any other officer or employee, arising out of the original refusal to issue the license. The burden shall be upon the applicant to show wherein the village clerk has failed to meet the standards set forth in this section.

**3-1-7: LICENSE TERM; EXPIRATION; RENEWAL:**

- A. All annual licenses shall commence on May 1 each year. No license shall be granted for a period longer than one year. Except where otherwise provided herein, every license shall expire on April 30 following the date of issuance. Applications received for new licenses between March 1 and April 30 of each year shall be issued licenses for the ensuing year.
- B. The village clerk shall endeavor to notify each annual licensee of the expiration of time of the license held by the licensee at least 21 days prior to such expiration date; provided, that a failure to make such notification or the licensee's failure to receive it, shall not relieve the licensee from the obligation to obtain a new license or renewal.
- C. Except as otherwise provided herein, each license may be renewed upon proper application and payment of the required fee. The requirements and procedures for granting and issuing a license renewal shall be the same as the requirements and procedures for granting a new license.

**3-1-8: LICENSES NOT ASSIGNABLE; UNLAWFUL USE:**

- A. No license may be assigned, sold, loaned, transferred, used as collateral, or otherwise encumbered. No person, firm, or corporation shall use or display any license certificate, tag, badge, or sticker which has been improperly acquired.
- B. No person, firm, or corporation shall alter, deface, forge, or counterfeit any license, certificate, plate, tag, badge, or sticker issued by the village.

**3-1-9: LICENSE TO BE POSTED:**

- A. It shall be the duty of any person conducting a licensed commercial establishment or activity in the village to keep his license displayed at all times in a prominent place on the premises, machine, used for such commercial establishment or activity.
- B. No person shall destroy, obliterate, take, remove, or carry away without the consent of the owner any license, certificate, plate, or sticker which has been discontinued or the licensed premises have been abandoned. Nothing herein shall prevent the village clerk or his or her duty-authorized representative from removing any license, certificate, plate, or sticker from the possession of a former licensee, the premises, any vehicle, or any machine when said license has been revoked under the provisions of this chapter.
- C. In addition to the posting of licenses, unattended service-oriented businesses, such as coin-operated laundries and car washes, are required to display a sign that properly informs their customers of the appropriate telephone number to contact in case of emergency situations. The sign displaying the telephone number shall be conspicuous, unobstructed, permanent in nature, and contained in a heavy plastic-type framing device securely mounted to the wall.

**3-1-10: BUILDING AND PREMISES:**

No license shall be issued for any commercial establishment or activity if the premises and building to be used do not fully comply with all applicable ordinances and regulations of the village and the state.

**3-1-11: LOCATION:**

No license for the operation of a commercial establishment or activity in the village shall be construed to permit its operation in more than one location in the village. A separate license shall be required for each location. For the purpose of this chapter, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be:

- A. Connected or shall be located on the same lot or zoning lot;
- B. Operated and managed by the same person or owner; and
- C. An establishment with the same classification.

**3-1-12: NUISANCES PROHIBITED:**

- A. No commercial establishment, or activity whether or not licensed, shall be so conducted or operated as to constitute a nuisance in fact; and no building, vehicle, structure, yard, lot, premises, or part thereof shall be used, kept, maintained, or operated in connection with any business so as to occasion any nuisance, or otherwise threaten the public health, safety, morals, or welfare. Any charge of

conducting or operating a nuisance may be made under this chapter or under the provisions of any other village ordinance.

- B. No building or structure, utilized, constructed, or maintained in connection with any commercial establishment or activity shall evidence an unsanitary, unsafe or any other dangerous or unlawful condition.

**3-1-13: INVESTIGATION AND INSPECTIONS:**

- A. Whenever an investigation or a hearing pursuant to this chapter by any department or official of the village requires additional information from the licensee, the licensee shall be given written notice by the village of what additional information from the licensee is required, and the licensee shall fully and completely comply with that request.
- B. Whenever inspections of the premises used for or in connection with the operation of a licensed commercial establishment or activity are provided for or required by this chapter, or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the village or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto for the purpose of making the inspection any officer or employee of the village who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.
- C. Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of this chapter or any ordinance or regulations, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any duly-authorized officer or employee of the village requesting the same sufficient samples of such material or commodity for such analysis upon official request.

**3-1-14: ENFORCEMENT; AUTHORITY:**

The village administrator shall take all necessary and appropriate action to compel compliance with the regulatory provisions of this chapter. All municipal employees duly authorized and acting as license inspectors shall be conservators of the peace with police powers for the purpose of enforcing the provisions of this chapter and other village ordinances relating to the licensing of commercial establishments and activities and their regulations.

**3-1-15: SUSPENSION, REVOCATION OF LICENSE:**

- A. Suspension of business operations
  - 1. When the conduct or operation of any commercial establishment or activity whether licensed or unlicensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety, or general welfare, the village

administrator shall be authorized to summarily order the cessation of business and the closing of the premises for a period not to exceed ten (10) days.

2. Unless (i) waived by the affected business; or (ii) the nuisance is substantially abated in the opinion of the village administrator and the business is allowed to resume and reopen, within eight (8) days after a license or permit is summarily suspended by the village administrator, the village president shall call a hearing as provided in subsection D of this section for the purpose of determining whether or not the license or permit should be revoked or further suspended.

#### B. Revocation of license

1. Licenses issued by the village may be suspended for up to 30 days or revoked in addition to any fine imposed by the village president after notice and hearing as provided in subsection (D) of this section for any of the following causes:

- a. Any fraud, misrepresentation, or false statement contained in the application for the licensee;
- b. Failure by the applicant to comply with any provision of this Code or any statutes of the state relating to the business, occupation, or activity of the license;
- c. Conviction of the applicant of any felony or of a misdemeanor where such conviction indicates their inability to operate a safe, honest, and legitimate business operation within the village;
- d. Failure of the licensee or permittee to pay any fine, penalty, or charge owed to the village;
- e. Any deceptive trade practices as defined by state or federal law or regulation and shall comply with any applicable laws and regulations regarding consumer protection and deceptive trade practices;
- f. Compliance with all village zoning, building, fire and health codes, and ordinances, as well as all other applicable village codes, ordinances, rules, and regulations and the premises shall be maintained in good repair, free of litter and debris and kept in a safe condition for employees, customers, and other persons present therein or thereon;
- g. Any other violation of any village ordinance, resolution, or regulation; or
- h. Refusal to permit an inspection or sampling or any interference with a duly authorized village officer or employee while in the reasonable performance of his duties in making such inspections.

- C. Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable provisions of this chapter or other ordinances of the village. No person whose license has been revoked shall be eligible for a new license during the period for which the original license was originally issued.

## D. Hearing procedures.

### 1. *Notice.*

- a. Notice of a hearing shall set forth specifically the grounds of the complaint and the time and place of the hearing.
- b. Such notice shall be served by certified mail (return receipt requested) and regular mail, or by personal service by the applicable county sheriff or Bartlett police officer or special process server, to the licensee at his last known residence or business address, at least five days prior to the date set for the hearing.
- c. If the licensee shall request a continuance in the date of the hearing, any suspension in effect shall be continued until the continued hearing date.
- d. All pleadings, motions, notices, and orders shall be filed with the village clerk.

### 2. *Procedural Rules.*

- a. Prior to the beginning of any hearing, the village president may adopt additional procedural rules as may be necessary for that hearing.
- b. At the hearing, the licensee shall be permitted counsel and shall have the right to respond, present evidence, and cross-examine witnesses.
- c. All proceedings shall be stenographically or electronically recorded.
- d. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the circuit courts of the state shall be followed. Evidence not admissible under those rules of evidence may be admitted, however, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record.
- e. No discovery procedure shall be used prior to a hearing except by leave of the village president who shall supervise all or any part of any discovery procedure.
- f. The standard for proof for hearings shall be by the preponderance of the evidence.
- g. The village president shall preside and render the decision within a reasonable time after the conclusion of the hearing, but not later than 30 days after such conclusion. The decision shall be in writing and shall summarize the evidence and state the reasons for the decision.

### 3. *Hearing Costs.*

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

miscellaneous expenses incurred by the village or such lesser sum as the village president may allow.

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

**3-1-16: RESERVED:**

**3-1-17: PENALTY; ENFORCEMENT:**

- A. In addition to the suspension and revocation provisions above, any person, firm, or corporation convicted of violating any provisions of this chapter shall be subject to a fine of not less than \$100.00 and not more than \$1,000.00. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- B. Whenever a person, corporation, limited liability company, partnership, joint venture, firm and/or other entity violates any of the provisions of this chapter, the village may cause appropriate legal actions and proceedings, in law or in equity, to be instituted and maintained to enforce compliance herewith.

**SECTION TWO: SEVERABILITY.** The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

**SECTION THREE: REPEAL OF PRIOR ORDINANCES.** All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**SECTION FOUR: EFFECTIVE DATE.** This Ordinance shall become effective ten days after its passage, execution by the Village President and publication in pamphlet form as required by law.

**ROLL CALL VOTE:**

AYES:

NAYS:

ABSENT:

PASSED:

APPROVED:

\_\_\_\_\_  
Kevin Wallace, Village President

**ATTEST:**

\_\_\_\_\_  
Lorna Giles, Village Clerk

**CERTIFICATION**

I, the undersigned, do hereby certify that I am the village clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 2015-\_\_\_\_\_, enacted on September 1, 2015, and approved on September 1, 2015, and published in pamphlet form on September 2, 2015, as the same appears from the official records of the Village of Bartlett.

\_\_\_\_\_  
Lorna Giles, Village Clerk



# Agenda Item Executive Summary

Item Name Wastewater Treatment Plant Facility Plan Update Committee or Board Board

## BUDGET IMPACT

Amount: **\$185,000** Budgeted **\$275,000 FY 2015-16**

List what fund Sewer Division, Capital Improvement Program Budget

## EXECUTIVE SUMMARY

On June 15, 2015, an Engineering Services RFQ for the Wastewater Treatment Plant Facility Plan Update was sent out to more than 10 consulting firms. The RFQ was placed on the Village website as well. Qualification submittals were due on July 10, 2015, and we received a total of 11 Statements of Qualification (SOQ).

All submittals were evaluated based upon project and staff experience, and the qualifying firms were ranked. Based upon PW staff evaluation and consensus, Strand Associates, Inc. was selected for the facility plan update. Because this falls under Professional Services, bidding was not performed for the selection of an engineering firm. Strand Associates has provided a proposal for the project and this has been attached for your review. The proposal shows a not-to-exceed cost of \$185,000.00 for updating the facility plan and evaluating phosphorus removal which is a requirement in our new NPDES permit issued by the IEPA.

Strand Associates has previously worked at the wastewater treatment plant and performed well with Village staff. Based upon staff selection and previous project experience, I recommend that the Wastewater Treatment Plant Facility Plan Update be awarded to Strand Associates, Inc. in the amount of \$185,000.00.

## ATTACHMENTS (PLEASE LIST)

- Memo
- Resolution
- Strand letter & Agreement

## ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance

X Motion: I move the passage of Resolution 2015 - \_\_\_\_\_, a Resolution approving a Professional Services Agreement with Strand Associates, Inc. for the Wastewater Treatment Plant Facility Plan Update.

Staff: Dan Dinges, Public Works Director

Date: 9/28/2015

# Memo

DATE: September 28, 2015

TO: Valerie Salmons  
Village Administrator

FROM: Dan Dinges, PE  
Director of Public Works

SUBJECT: Wastewater Treatment Plant Facility Plan Update

On June 15, 2015, an Engineering Services RFQ for the Wastewater Treatment Plant Facility Plan Update was sent out to more than 10 consulting firms. The RFQ was placed on the Village website as well. Qualification submittals were due on July 10, 2015, and we received a total of 11 Statements of Qualification (SOQ).

All submittals were evaluated based upon project and staff experience, and the qualifying firms were ranked. Based upon PW staff evaluation and consensus, Strand Associates, Inc. was selected for the facility plan update. Because this falls under Professional Services, bidding was not performed for the selection of an engineering firm. Strand Associates has provided a proposal for the project and this has been attached for your review. The proposal shows a not-to-exceed cost of \$185,000.00 for updating the facility plan and evaluating phosphorus removal which is a requirement in our new NPDES permit issued by the IEPA.

Strand Associates has previously worked at the wastewater treatment plant and performed well with Village staff. Based upon staff selection and previous project experience, I recommend that the Wastewater Treatment Plant Facility Plan Update be awarded to Strand Associates, Inc. in the amount of \$185,000.00.

**RESOLUTION 2015 - \_\_\_\_\_**

**A RESOLUTION APPROVING THE WASTEWATER TREATMENT PLANT FACILITY  
PLAN UPDATE AGREEMENT BETWEEN THE VILLAGE OF  
BARTLETT AND STRAND ASSOCIATES, INC.**

---

**BE IT RESOLVED** by the President and Board of Trustees of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, as follows:

**SECTION ONE:** The Wastewater Treatment Plant Facility Plan Update Agreement dated September 29, 2015, between Strand Associates, Inc. and the Village of Bartlett, a copy of which is appended hereto and expressly incorporated herein by this reference (the "Agreement") is hereby approved.

**SECTION TWO:** That the Village President and the Village Clerk are hereby authorized and directed to sign and attest, respectively, the Agreement on behalf of the Village of Bartlett.

**SECTION THREE: SEVERABILITY.** The various provisions of this Resolution are to be considered as severable, and of any part or portion of this Resolution shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution.

**SECTION FOUR: REPEAL OF PRIOR RESOLUTIONS.** All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**SECTION FIVE: EFFECTIVE DATE.** This Resolution shall be in full force and effect upon passage and approval.

**ROLL CALL VOTE:**

**AYES:**

**NAYS:**

**ABSENT:**

**PASSED:**           October 6, 2015

**APPROVED:**       October 6, 2015

\_\_\_\_\_  
Kevin Wallace, Village President

**ATTEST:**

\_\_\_\_\_  
Lorna Giles, Village Clerk

**C E R T I F I C A T I O N**

I, Lorna Giles, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Resolution 2015 - \_\_\_\_\_ enacted on October 6, 2015 and approved on October 6, 2015 as the same appears from the official records of the Village of Bartlett.

\_\_\_\_\_  
Lorna Giles, Village Clerk



Strand Associates, Inc.<sup>®</sup>  
910 West Wingra Drive  
Madison, WI 53715  
(P) 608-251-4843  
(F) 608-251-8655

September 29, 2015

Village of Bartlett  
228 S. Main Street  
Bartlett, IL 60103

Attention: Mr. Daniel J. Dinges, P.E., Director of Public Works

Re: Agreement for General Services  
Wastewater Treatment Facility Planning Update

This is an Agreement between Village of Bartlett, Illinois, hereinafter referred to as OWNER, and Strand Associates, Inc.<sup>®</sup>, hereinafter referred to as ENGINEER, to provide engineering services (Services) for the Wastewater Treatment Facility (WWTF) Planning Update project. This Agreement shall be in accordance with the following elements.

### **Scope of Services**

ENGINEER will provide the following Services to OWNER.

#### Facility Plan Update

1. Prepare a request for information to submit to OWNER regarding desired data and documentation for planning services.
2. Review regulatory parameters related to the WWTF discharge, the proposed effluent limits, and potential for more stringent limits.
3. Review OWNER-provided existing documentation, site conditions, existing site documentation related to zoning, and permit requirements.
4. Review planning or collection system documents provided by OWNER affecting the WWTF flows and loadings.
5. Perform a review of existing collection system mapping, service area topographic mapping, and pumping station drawings provided by OWNER. Summarize known deficiencies in the collection system based on interviews and previous work done by OWNER. Review background information and data including the need for a comprehensive infiltration/inflow analysis, sewer system evaluation survey, flow monitoring, or other collection system activities. Advise OWNER regarding the potential need for these items.
6. Prepare a preliminary list of alternatives to consider for WWTF upgrades.
7. Attend a kickoff meeting with OWNER to review project scope, available information, project goals, funding options, schedule, Village Board and management goals, operations goals, maintenance goals, unit process review, list of potential alternatives for WWTF upgrades, schedule for site visits, permitting, environmental issues, stakeholder involvement, and communication planning.

TWS:smk:mro\R:\MAD\Documents\Agreements\B\Bartlett, Village of (IL)\WWFacilityPlnUpdt.2015\Agr\1944.TBD.(P150.627).docx

Village of Bartlett  
Page 2  
September 29, 2015

8. Prepare Facility Plan Update *Section 1–Introduction, Section 2–Existing Wastewater Conveyance Facilities, and Section 3–Existing Wastewater Treatment Facilities*. These sections will include background information with a summary of the existing collection, conveyance, and treatment facilities, sewer service area, and facilities planning area. Sections 2 and 3 will include existing WWTF influent flow and loading data analyses, as well as WWTF effluent data and performance evaluation.
9. Prepare and submit Technical Memorandum No. 1 to OWNER, which will summarize the services provided for Sections 1 through 3.
10. Prepare Facility Plan Update *Section 4–Waste Load and Flow Forecasts*. Solicit population data from OWNER and the Chicago Metropolitan Agency for Planning (CMAP) agency, as appropriate. Evaluate existing wastewater flow and loading data and population projections by others to estimate current and future design wastewater flows and loadings. If necessary, contact the Illinois Environmental Protection Agency (IEPA) regarding the potential permit limits for an expanded WWTF.
11. Prepare and submit Technical Memorandum No. 2 to OWNER, which will summarize the services provided for Section 4.
12. Meet with OWNER for Working Session No. 1 to discuss and obtain input on the services provided.
13. Prepare Facility Plan Update *Section 5–Evaluation of Existing Facilities*. Perform technical evaluations of existing WWTF facilities including plant hydraulics; unit processes; operations and maintenance, including discussions with WWTF staff; structural, mechanical, heating, ventilation, and air-conditioning; electrical systems; and supervisory control and data acquisition.
14. Prepare Facility Plan Update *Section 6–Identification and Evaluation of Treatment Alternatives*. Identify and perform a cost-benefit analysis of up to three alternative wastewater treatment schemes. This analysis will consider capital costs as well as the present worth of long-term operation, maintenance, and replacement (OM&R) costs. Nonmonetary issues such as reliability, flexibility, constructability, ease of operation, and environmental soundness will also be evaluated. Alternatives and recommendations will be included for biosolids management, activated sludge, and disinfection.
15. Prepare and submit Technical Memorandum No. 3 to OWNER, which will summarize the services provided for Sections 5 and 6.
16. Meet with OWNER for Working Session No. 2 to discuss and obtain input on the services provided.
17. Prepare Facility Plan Update *Section 7–Selection of Recommended Alternatives*. Prepare a plan for wastewater treatment including preliminary site layout, preliminary design criteria, and recommendations on staging of construction. Prepare opinion of probable construction cost, OM&R costs, and preliminary schedule of implementation. Develop financial information, preliminary cost allocations, and preliminary user charges for the recommended plan. This will include a review and summary of potential funding sources such as low interest loans and grants.

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18. Prepare Facility Plan Update *Section 8–Environmental Impact Summary*. Summarize environmental impacts of recommended alternatives. Request environmental sign-offs, if necessary, from the appropriate agencies including the following: Illinois Department of Natural Resources sign-off for endangered species, natural areas, and Wetlands Policy Act; Illinois State Clearinghouse sign-off; Illinois Department of Agriculture sign-off; and Illinois Historic Protection Agency sign-off.
19. Prepare and submit Technical Memorandum No. 4 to OWNER, which will summarize the services provided for Sections 7 and 8.
20. Meet with OWNER for Working Session No. 3 to discuss and obtain input on the services provided.
21. Prepare up to ten copies of a preliminary draft Facility Plan Update. Submit to OWNER and IEPA for review and input.
22. Present the results of the preliminary draft Facility Plan Update to the Village Board.
23. Assist OWNER in preparing for and conducting a public hearing after receipt of the IEPA's Preliminary Environmental Impact Determination. OWNER shall be responsible for any advertising and publishing requirements and for compiling the record of the hearing. The public hearing documentation will then be submitted to the IEPA for final approval.
24. Incorporate OWNER and/or IEPA comments into the Facility Plan Update and complete the final version of the plan, including *Section 9–Public Participation* which will include the documentation from the public hearing.
25. Provide up to ten copies of the final Facility Plan Update to OWNER and submit three copies to the IEPA for approval. The final Facility Plan Update is expected to include the following Sections:
  - a. *Executive Summary*
  - b. *Section 1–Introduction*
  - c. *Section 2–Existing Wastewater Conveyance Facilities*
  - d. *Section 3–Existing Wastewater Treatment Facilities*
  - e. *Section 4–Waste Load and Flow Forecasts*
  - f. *Section 5–Evaluation of Existing Facilities*
  - g. *Section 6–Identification and Evaluation of Treatment Alternatives*
  - h. *Section 7–Selection of Recommended Alternatives*
  - i. *Section 8–Environmental Impact Summary*
  - j. *Section 9–Public Participation*
  - k. *Section 10–Antidegradation Analysis (if required)*

#### Phosphorus Discharge Optimization Plan

1. Prepare a customer questionnaire for OWNER's distribution to select commercial and industrial customers to determine the type and amount of phosphorus in the customer's discharge and whether the customers can make changes to reduce the phosphorus discharge.
2. Summarize potential influent source reduction measures.
3. Evaluate existing treatment processes for ability to reduce effluent phosphorus concentrations.

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4. Summarize potential effluent phosphorus reduction measures using existing facilities.
5. Prepare and submit a Phosphorus Discharge Optimization Plan to the IEPA.

#### Phosphorus Removal Feasibility Report

1. Summarize up to three years of historical monitoring data for plant influent, plant effluent, solids handling, and various other monitoring points, as available. Based on the available data, recommend additional analytical testing, if applicable, for additional monitoring points or parameters to evaluate the phosphorus removal alternatives. Develop design criteria that will act as a basis for evaluation of the phosphorus removal alternatives.
2. Perform a one-day biological phosphorus removal (BPR) potential testing at the WWTF on two separate occasions/seasons. Testing will include procurement of BPR sludge for evaluation of primary effluent and performance of jar testing. Analytical testing of the samples will be the responsibility of OWNER.
3. Perform a one-day chemical phosphorus removal (CPR) jar testing at the WWTF on two separate occasions/seasons. Testing will include jar test using up to three phosphorus removal chemicals. Analytical testing of the samples will be the responsibility of OWNER.
4. Conduct a mid-course meeting to discuss progress to date and reach a consensus on the CPR and BPR alternatives to be evaluated.
5. Develop potential alternatives to provide a 1.0 milligrams per liter (mg/L), 0.5 mg/L, and 0.1 mg/L effluent phosphorus limit on a monthly, seasonal, and annual average basis.
6. Develop capital, operation and maintenance, and 20-year present-worth costs for each alternative.
7. Perform an evaluation of non-monetary factors for each alternative. These evaluations will include an assessment of the following parameters for each viable treatment technology:
  - a. Reliability
  - b. Operability
  - c. Capital costs
  - d. Annual operating costs
  - e. Increased sludge production
8. Provide a draft Phosphorus Removal Feasibility Report for review by OWNER's staff. Participate in a meeting to discuss the results of the report.
9. Provide final Phosphorus Removal Feasibility Report and incorporate OWNER's comments, as appropriate.
10. Submit the final Phosphorus Removal Feasibility Report to the IEPA.

#### **If-Authorized Services**

If necessary, ENGINEER is prepared to provide the following services upon written approval and authorization by OWNER.

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#### Antidegradation Analysis

1. Perform an antidegradation analysis for the new or expanded WWTF discharge. This will include a review of alternative receiving streams, treatment systems that do not discharge to surface waters, the potential for effluent reuse, and the cost/benefit and user affordability of higher levels of treatment.
2. Prepare Facility Plan Update *Section 10–Antidegradation Analysis (if required)*.
3. Prepare National Pollutant Discharge Elimination System (NPDES) permit application for review by OWNER.
4. Hold one meeting, if required, with IEPA, Environmental Advocacy Groups, and OWNER to discuss permit application.
5. Submit NPDES permit application to the IEPA and respond to IEPA comments. Participation in any public hearings related to the NPDES permit, if requested, is not included.
6. Prepare CMAP Application for Water Quality Management Plan Amendment, if necessary, and attend one meeting.

#### Miscellaneous Services

1. Perform additional BPR potential testing at the WWTF. Testing will include procurement of BPR sludge for evaluation of primary effluent and performance of jar testing. Analytical testing of the samples will be the responsibility of OWNER.
2. Perform additional CPR jar testing at the WWTF on two separate occasions/seasons. Testing will include jar test using up to three phosphorus removal chemicals. Analytical testing of the samples will be the responsibility of OWNER.
3. Perform BioWIN modeling. This modeling can be used to compare the performance of various BPR configurations. Additional analytical testing by OWNER would be necessary to calibrate the model.

#### **Service Elements Not Included**

The following services are not included in this Agreement. If such services are required, they will be provided as noted.

1. Archaeological or Botanical Investigations: ENGINEER will assist OWNER in engaging the services of an archaeologist or botanist, if required, to perform the field investigations necessary for agency review through a separate agreement with OWNER.
2. Bidding- and Construction-Related Services: Bidding- and construction-related services for the project will require a separate agreement with OWNER.
3. Flood Studies: Any services involved in performing flood and floodway studies, if required, will be provided through an amendment to this Agreement or through a separate agreement with OWNER.

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4. Geotechnical Engineering: Geotechnical engineering information will be required and provided through OWNER and OWNER's geotechnical consultant. ENGINEER will assist OWNER with defining initial scope of geotechnical information that is required to allow OWNER to procure geotechnical engineering services.
5. Land and Easement Surveys/Procurement: Any services of this type including, but not limited to, a record search, field work, preparation of legal descriptions, or assistance to OWNER for securing land rights necessary for siting sanitary sewer, tanks, and appurtenances will be provided through a separate agreement with OWNER.
6. Permit and Plan Review Fees: All permit and plan review fees payable to regulatory agencies shall be paid for by OWNER.
7. Preparation for and/or Appearance in Litigation on Behalf of OWNER: This type of service by ENGINEER will be provided through a separate agreement with OWNER.
8. Revising Designs, Drawings, Specifications, and Documents: Any services required after these items have been previously approved by state or federal regulatory agencies, because of a change in project scope or where such revisions are necessary to comply with changed state and federal regulations that are put in force after Services have been partially completed, will be provided through an amendment to this Agreement.
9. Services Related to Buried Wastes and Contamination: Should buried solid, liquid, or potentially hazardous wastes or subsurface or soil contamination be uncovered at the site, follow-up investigations may be required to identify the nature and extent of such wastes or subsurface soil or groundwater contamination and to determine appropriate methods for managing of such wastes or contamination and for follow-up monitoring. Investigation, design, or construction-related services related to buried solid, liquid, or potentially hazardous wastes or soil or groundwater contamination will be provided through a separate agreement with OWNER.

### Compensation

OWNER shall compensate ENGINEER for **Scope of Services** on an hourly rate basis plus expenses as follows:

Facility Plan Update	\$150,000
Phosphorus Discharge Optimization Plan	\$ 5,000
Phosphorus Removal Feasibility Report	\$ 30,000

OWNER shall compensate ENGINEER for **If-Authorized Services** on an hourly rate plus expenses as follows:

Antidegradation Analysis	\$25,000
Miscellaneous Services	
Additional BPR Testing	\$ 2,000 per day
Additional CPR Testing	\$ 2,000 per day
BioWIN Modeling	\$15,000

Expenses incurred such as those for travel, meals, printing, postage, copies, computer, electronic communication, and long distance telephone calls will be billed at actual cost plus 10 percent.

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Only sales taxes or other taxes on Services that are in effect at the time this Agreement is executed are included in the Compensation. If the tax laws are subsequently changed by legislation during the life of this Agreement, this Agreement will be adjusted to reflect the net change.

The estimated fee for the Services is based on wage scale/hourly billing rates, adjusted annually on July 1, that assumes the Services will be completed as indicated. Should the completion time be extended, it may be cause for an adjustment in the estimated fee that reflects any wage scale adjustments made.

The estimated fee will not be exceeded without prior notice to and agreement by OWNER but may be adjusted for time delays, time extensions, amendments, or changes in the **Scope of Services**. Any adjustment will be negotiated based on ENGINEER's increase in costs caused by delays, extensions, amendments, or changes.

### **Schedule**

Services will begin upon execution of this Agreement, which is anticipated on October 6, 2015. The preliminary draft Facility Plan Update is anticipated for completion by April 15, 2016. The Facility Plan Update, anticipating approximately six months review time by the IEPA, is scheduled for completion by October 15, 2016. The phosphorus discharge optimization plan and phosphorus removal feasibility report are scheduled for completion on October 1, 2017.

### **Standard of Care**

The Standard of Care for all Services performed or furnished by ENGINEER under this Agreement will be the care and skill ordinarily used by members of ENGINEER's profession practicing under similar circumstances at the same time and in the same locality. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER's Services.

### **OWNER's Responsibilities**

1. Assist ENGINEER by placing at ENGINEER's disposal all available information pertinent to this project including previous reports, previous drawings and specifications, and any other data relative to the scope of this project.
2. Furnish to ENGINEER, as required by ENGINEER for performance of Services as part of this Agreement, data prepared by or services of others obtained or prepared by OWNER relative to the scope of this project, such as soil borings, probings and subsurface explorations, and laboratory tests and inspections of samples, all of which ENGINEER may rely upon in performing Services under this Agreement.
3. Provide access to the site as required for ENGINEER to perform Services under this Agreement.
4. Guarantee access to and make all provisions for ENGINEER to enter upon public and private lands as required for ENGINEER to perform Services under this Agreement.
5. Examine all reports, sketches, estimates, special provisions, drawings, and other documents presented by ENGINEER and render, in writing, decisions pertaining thereto within a reasonable time so as not to delay the performance of ENGINEER.
6. Provide all legal services as may be required for the development of this project.

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7. Retain the services of a soils consultant to provide any necessary geotechnical evaluation and recommendations.

#### **Opinion of Probable Cost**

Any opinions of probable cost prepared by ENGINEER are supplied for general guidance of OWNER only. ENGINEER has no control over competitive bidding or market conditions and cannot guarantee the accuracy of such opinions as compared to contract bids or actual costs to OWNER.

#### **Changes**

1. OWNER may make changes within the general scope of this Agreement in the Services to be performed. If such changes cause an increase or decrease in ENGINEER's cost or time required for performance of any Services under this Agreement, an equitable adjustment will be made and this Agreement will be modified in writing accordingly.
2. No services for which additional compensation will be charged by ENGINEER will be furnished without the written authorization of OWNER. The fee established herein will not be exceeded without agreement by OWNER but may be adjusted for time delays, time extensions, amendments, or changes in the **Scope of Services**.
3. If there is a modification of IEPA requirements relating to the Services to be performed under this Agreement subsequent to the date of execution of this Agreement, the increased or decreased cost of performance of the Services provided for in this Agreement will be reflected in an appropriate modification of this Agreement.

#### **Extension of Services**

This Agreement may be extended for additional Services upon OWNER's authorization. Extension of Services will be provided for a lump sum or an hourly rate plus expenses.

#### **Payment**

OWNER shall make monthly payments to ENGINEER for Services performed in the preceding month based upon monthly invoices. Nonpayment 30 days after the date of receipt of invoice may, at ENGINEER's option, result in assessment of a 1 percent per month carrying charge on the unpaid balance.

Nonpayment 45 days after the date of receipt of invoice may, at ENGINEER's option, result in suspension of Services upon five calendar days' notice to OWNER. ENGINEER will have no liability to OWNER, and OWNER agrees to make no claim for any delay or damage as a result of such suspension caused by any breach of this Agreement by OWNER. Upon receipt of payment in full of all outstanding sums due from OWNER, or curing of such other breach which caused ENGINEER to suspend Services, ENGINEER will resume Services and there will be an equitable adjustment to the remaining project schedule and compensation as a result of the suspension.

#### **Data Provided by Others**

ENGINEER is not responsible for the quality or accuracy of data nor for the methods used in the acquisition or development of any such data where such data is provided by or through OWNER, contractor, or others to ENGINEER and where ENGINEER's Services are to be based upon such data. Such data includes, but is not limited to, soil borings, groundwater data, chemical analyses, geotechnical

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testing, reports, calculations, designs, drawings, specifications, record drawings, contractor's marked-up drawings, and topographical surveys.

**Termination**

This Agreement may be terminated with cause in whole or in part in writing by either party subject to a two-week notice and the right of the party being terminated to meet and discuss the termination before the termination takes place. ENGINEER will be paid for all completed or obligated Services up to the date of termination.

**Third-Party Beneficiaries**

Nothing contained in this Agreement creates a contractual relationship with or a cause of action in favor of a third party against either OWNER or ENGINEER. ENGINEER's Services under this Agreement are being performed solely for OWNER's benefit, and no other party or entity shall have any claim against ENGINEER because of this Agreement or the performance or nonperformance of Services hereunder. OWNER and ENGINEER agree to require a similar provision in all contracts with contractors, subcontractors, subconsultants, vendors, and other entities involved in this project to carry out the intent of this provision.

**Dispute Resolution**

Except as may be otherwise provided in this Agreement, all claims, counterclaims, disputes, and other matters in question between OWNER and ENGINEER arising out of or relating to this Agreement or the breach thereof will be decided first by mediation, if the parties mutually agree, or with a bench trial in a court of competent jurisdiction within the State of Illinois.

**Terms and Conditions**

The terms and conditions of this Agreement will apply to the Services defined in the **Scope of Services**. OWNER-supplied purchase order is for processing payment only; terms and conditions on the purchase order shall not apply to these Services.

IN WITNESS WHEREOF the parties hereto have made and executed this Agreement.

ENGINEER:

OWNER:

STRAND ASSOCIATES, INC.®

VILLAGE OF BARTLETT

**NOT FOR SIGNATURE**

\_\_\_\_\_  
Matthew S. Richards  
Corporate Secretary

Date

\_\_\_\_\_  
Kevin A. Wallace  
Village President

Date

**TABLE 1  
BARTLETT, IL WASTEWATER FACILITY PLANNING UPDATE  
ENGINEERING FEE BREAKDOWN**

TASKS	Project Manager	Project Engineer Wastewater	Project Engineer Wastewater	Nutrient Expert	CMOM/Collection System	Structural Engineer	Architect	Electrical Engineer	Controls-SCADA Engineer	Mechanical-HVAC Engineer	Operations Specialist	Drafting	QA/QC	Secretarial	TOTAL HRS	LABOR COSTS	TOTAL EXPENSES	TOTAL COST	
	TWS	NAB	KKH	JMC	MRW	WDM	BMK	MAS	BMS	CW	TAL	RR	RAW						
<b>Project Management</b>																			
A. Develop and finalize scope/agreement	2	\$ 399	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	2	\$ 150	\$ 66	\$ 615	
B. Monthly staff scheduling and budget control	16	\$ 3,193	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	4	\$ 299	\$ 419	\$ 3,911	
C. Monthly billings review, invoicing, and reporting	12	\$ 2,395	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	4	\$ 299	\$ 323	\$ 3,017	
<b>Subtotal</b>	<b>30</b>	<b>\$ 5,987</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>10</b>	<b>\$ 748</b>	<b>\$ 808</b>	<b>\$ 7,543</b>	
<b>Scope Items 1 - 7: Review WWTP Data, Collection System Evaluation and Kickoff Meeting</b>																			
1. Prepare request for information	2	\$ 399	4 \$ 377	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	6	\$ 776	\$ 93	\$ 869	
2. Review regulatory parameters	4	\$ 798	\$ -	\$ -	2 \$ 385	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	6	\$ 1,183	\$ 142	\$ 1,325	
3. Review existing documentation for site conditions, zoning, and permit reqmts.	2	\$ 399	16 \$ 1,507	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	18	\$ 1,906	\$ 229	\$ 2,135	
4. Review planning or collection system documents	4	\$ 798	12 \$ 1,130	\$ -	8 \$ 1,460	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	24	\$ 3,388	\$ 407	\$ 3,795	
5. Collection system evaluation	4	\$ 798	24 \$ 2,260	\$ -	16 \$ 2,919	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	44	\$ 5,978	\$ 717	\$ 6,695	
6. Prepare preliminary list of WWTP upgrades to consider	8	\$ 1,597	16 \$ 1,507	8 \$ 1,315	2 \$ 385	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	2 \$ 417	\$ -	36	\$ 5,221	\$ 627	\$ 5,848	
7. Preparation and Hold Kickoff Meeting	12	\$ 2,395	12 \$ 1,130	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	24	\$ 3,525	\$ 423	\$ 3,948	
<b>Subtotal</b>	<b>36</b>	<b>\$ 7,185</b>	<b>84 \$ 7,912</b>	<b>8 \$ 1,315</b>	<b>4 \$ 770</b>	<b>24 \$ 4,379</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>158</b>	<b>\$ 21,978</b>	<b>\$ 2,637</b>	<b>\$ 24,615</b>	
<b>Scope Items 8 and 9: Sections 1, 2, 3 and Technical Memo No. 1</b>																			
8. Draft Section 1 - Introduction	2	\$ 399	8 \$ 753	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	10	\$ 1,153	\$ 138	\$ 1,291	
8. Draft Section 2 - Existing Wastewater Conveyance Facilities	4	\$ 798	\$ -	\$ -	16 \$ 2,919	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	20	\$ 3,718	\$ 446	\$ 4,164	
8. Draft Section 3 - Existing Wastewater Treatment Facilities	4	\$ 798	16 \$ 1,507	\$ -	2 \$ 385	\$ -	\$ -	\$ -	\$ -	\$ -	4 \$ 479	2 \$ 167	\$ -	\$ -	28	\$ 3,337	\$ 400	\$ 3,737	
9. Technical Memorandum No. 1	8	\$ 1,597	16 \$ 1,507	\$ -	16 \$ 2,919	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	2 \$ 417	8 \$ 598	50	\$ 7,038	\$ 845	\$ 7,883	
<b>Subtotal</b>	<b>18</b>	<b>\$ 3,592</b>	<b>40 \$ 3,767</b>	<b>\$ -</b>	<b>2 \$ 385</b>	<b>32 \$ 5,838</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>4 \$ 479</b>	<b>2 \$ 167</b>	<b>2 \$ 417</b>	<b>8 \$ 598</b>	<b>108</b>	<b>\$ 15,245</b>	<b>\$ 1,829</b>	<b>\$ 17,074</b>	
<b>Scope Items 10 - 12: Section 4, Technical Memo No. 2, and Working Session No. 1</b>																			
10. Draft Section 4 - Wasteload and Flow Forecasts	8	\$ 1,597	16 \$ 1,507	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	24	\$ 3,104	\$ 372	\$ 3,476	
11. Technical Memorandum No. 2	8	\$ 1,597	12 \$ 1,130	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	2 \$ 417	8 \$ 598	30	\$ 3,742	\$ 449	\$ 4,191	
12. Preparation and Meet with Owner for Working Session No. 1	12	\$ 2,395	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	12	\$ 2,395	\$ 287	\$ 2,682	
<b>Subtotal</b>	<b>28</b>	<b>\$ 5,588</b>	<b>28 \$ 2,637</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>66</b>	<b>\$ 9,241</b>	<b>\$ 1,109</b>	<b>\$ 10,350</b>	
<b>Scope Items 13 - 16: Sections 5 and 6, Technical Memo No. 3, and Working Session No. 2</b>																			
13. Draft Section 5 - Evaluation of Existing Facilities	16	\$ 3,193	12 \$ 1,130	5 \$ 822	2 \$ 385	\$ -	16 \$ 2,502	4 \$ 480	16 \$ 1,518	8 \$ 1,311	8 \$ 718	8 \$ 959	2 \$ 167	2 \$ 417	99	\$ 13,603	\$ 1,632	\$ 15,235	
14. Draft Section 6 - Identification and Evaluation of Treatment Alternatives	24	\$ 4,790	40 \$ 3,767	40 \$ 6,576	4 \$ 770	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	2 \$ 167	\$ -	\$ -	110	\$ 16,070	\$ 1,928	\$ 17,999	
15. Technical Memorandum No. 3	24	\$ 4,790	24 \$ 2,260	24 \$ 3,945	4 \$ 770	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	2 \$ 167	4 \$ 835	12 \$ 897	94	\$ 13,665	\$ 1,640	\$ 15,304	
16. Preparation and Meet with Owner for Working Session No. 2	8	\$ 1,597	\$ -	6 \$ 986	6 \$ 1,155	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	20	\$ 3,738	\$ 449	\$ 4,187	
<b>Subtotal</b>	<b>72</b>	<b>\$ 14,370</b>	<b>76 \$ 7,158</b>	<b>75 \$ 12,329</b>	<b>16 \$ 3,081</b>	<b>\$ -</b>	<b>16 \$ 2,502</b>	<b>4 \$ 480</b>	<b>16 \$ 1,518</b>	<b>8 \$ 1,311</b>	<b>8 \$ 718</b>	<b>8 \$ 959</b>	<b>6 \$ 501</b>	<b>6 \$ 1,252</b>	<b>12 \$ 897</b>	<b>323</b>	<b>\$ 47,076</b>	<b>\$ 5,649</b>	<b>\$ 52,725</b>
<b>Scope Items 17 - 20: Section 7 and 8, Technical Memo No. 4, and Working Session No. 3</b>																			
17. Draft Section 7 - Selection of Recommended Alternatives	12	\$ 2,395	24 \$ 2,260	24 \$ 3,945	4 \$ 770	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	4 \$ 334	\$ -	\$ -	68	\$ 9,705	\$ 1,165	\$ 10,869	
18. Draft Section 8 - Environmental Impact Summary	2	\$ 399	16 \$ 1,507	2 \$ 329	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	20	\$ 2,235	\$ 268	\$ 2,503	
19. Technical Memorandum No. 4	8	\$ 1,597	16 \$ 1,507	6 \$ 986	2 \$ 385	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	4 \$ 334	6 \$ 1,252	12 \$ 897	54	\$ 6,958	\$ 835	\$ 7,793	
20. Preparation and Meet with Owner for Working Session No. 3	8	\$ 1,597	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	8	\$ 1,597	\$ 192	\$ 1,789	
<b>Subtotal</b>	<b>30</b>	<b>\$ 5,987</b>	<b>56 \$ 5,274</b>	<b>32 \$ 5,260</b>	<b>6 \$ 1,155</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>150</b>	<b>\$ 20,494</b>	<b>\$ 2,459</b>	<b>\$ 22,954</b>	
<b>Scope Items 21 and 22 - Preliminary Draft Facility Plan Report Submittal to Owner, IEPA, and Presentation to City</b>																			
21. Prepare up to 10 copies of Preliminary Draft Facility Plan and submit to Owner and IEPA for review and comment	8	\$ 1,597	12 \$ 1,130	\$ -	2 \$ 385	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	8 \$ 1,670	\$ -	30	\$ 4,782	\$ 574	\$ 5,356	
22. Prepare and present results of Preliminary Draft Facility Plan to Village Board	12	\$ 2,395	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	12	\$ 2,395	\$ 287	\$ 2,682	
<b>Subtotal</b>	<b>20</b>	<b>\$ 3,992</b>	<b>12 \$ 1,130</b>	<b>\$ -</b>	<b>2 \$ 385</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>42</b>	<b>\$ 7,177</b>	<b>\$ 861</b>	<b>\$ 8,038</b>	
<b>Scope Items 23 - 25 - Public Hearing, Section 9, and Finalize Facility Plan</b>																			
23. Assist Owner in preparing and conducting Public Hearing	12	\$ 2,395	2 \$ 188	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	14	\$ 2,583	\$ 310	\$ 2,893	
24. Incorporate Owner and/or IEPA comments into Facility Plan, prepare Section 9 - Public Participation with documentation from Public Hearing and submit to Owner for final review.	2	\$ 399	4 \$ 377	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	4 \$ 299	10	\$ 1,075	\$ 129	\$ 1,204	
25. Prepare and submit up to 10 copies of Final Facility Plan document to Owner and three copies to IEPA for approval.	2	\$ 399	8 \$ 753	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	2 \$ 167	2 \$ 417	8 \$ 598	22	\$ 2,335	\$ 280	\$ 2,615	
<b>Subtotal</b>	<b>16</b>	<b>\$ 3,193</b>	<b>14 \$ 1,319</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>46</b>	<b>\$ 5,993</b>	<b>\$ 719</b>	<b>\$ 6,712</b>	
<b>TOTAL FEE FACILITIES PLANNING</b>	<b>250</b>	<b>\$ 49,896</b>	<b>310 \$ 29,197</b>	<b>115 \$ 18,905</b>	<b>30 \$ 5,777</b>	<b>56 \$ 10,217</b>	<b>16 \$ 2,502</b>	<b>4 \$ 480</b>	<b>16 \$ 1,518</b>	<b>8 \$ 1,311</b>	<b>8 \$ 718</b>	<b>12 \$ 1,438</b>	<b>18 \$ 1,502</b>	<b>28 \$ 5,844</b>	<b>62 \$ 4,635</b>	<b>933</b>	<b>\$ 133,939</b>	<b>\$ 16,073</b>	<b>\$ 150,012</b>

TASKS	Project Manager	Project Engineer Wastewater	Project Engineer Wastewater	Nutrient Expert	CMOM/Collection System	Structural Engineer	Architect	Electrical Engineer	Controls-SCADA Engineer	Mechanical-HVAC Engineer	Operations Specialist	Drafting	QA/QC	Secretarial	TOTAL HRS	LABOR COSTS	TOTAL EXPENSES	TOTAL COST
	TWS	NAB	KKH	JMC	MRW	WDM	BMK	MAS	BMS	CW	TAL	RR	RAW					
<b>Scope Items 1 - 5 - Phosphorus Discharge Optimization Plan</b>																		
1. Prepare customer survey	\$ -	6 \$ 565	\$ -	1 \$ 193	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	1 \$ 75	8	\$ 832	\$ 100	\$ 932
2. Summarize Potential Influent P. Source Reduction Measures	\$ -	6 \$ 565	\$ -	1 \$ 193	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	7	\$ 758	\$ 91	\$ 849
3. Evaluate Existing Processes for Effluent P. Reduction	\$ -	6 \$ 565	\$ -	1 \$ 193	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	7	\$ 758	\$ 91	\$ 849
4. Summarize Potential Effluent P. Reduction Measures	\$ -	4 \$ 377	\$ -	1 \$ 193	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	1 \$ 75	6	\$ 644	\$ 77	\$ 721
5. Prepare and Submit Optimization Plan to IEPA	1 \$ 200	8 \$ 753	\$ -	2 \$ 385	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	2 \$ 150	13	\$ 1,488	\$ 179	\$ 1,666
<b>Total Fee</b>	<b>1 \$ 200</b>	<b>30 \$ 2,826</b>	<b>0 \$ -</b>	<b>6 \$ 1,155</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>4 \$ 299</b>	<b>41</b>	<b>\$ 4,479</b>	<b>\$ 538</b>	<b>\$ 5,017</b>
<b>Scope Items 1 - 10 - Phosphorus Removal Feasibility Report</b>																		
1. Summarize WWTP Data and Recommend Additional Testing	\$ -	4 \$ 377	\$ -	2 \$ 385	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	6	\$ 762	\$ 91	\$ 853
2. Biological Phosphorus Removal Testing	\$ -	4 \$ 377	\$ -	2 \$ 385	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	24 \$ 2,876	\$ -	\$ -	\$ -	30	\$ 3,638	\$ 437	\$ 4,075
3. Chemical Phosphorus Removal Testing	\$ -	4 \$ 377	\$ -	2 \$ 385	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	24 \$ 2,876	\$ -	\$ -	\$ -	30	\$ 3,638	\$ 437	\$ 4,075
4. Midcourse Meeting	6 \$ 1,197	\$ -	\$ -	6 \$ 1,155	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	12	\$ 2,353	\$ 282	\$ 2,635
5. Develop Potential Alternatives	2 \$ 399	16 \$ 1,507	\$ -	2 \$ 385	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	1 \$ 209	\$ -	21	\$ 2,500	\$ 300	\$ 2,800
6. Evaluate Alternatives (Capital, O&M and Present Worth Costs)	2 \$ 399	40 \$ 3,767	\$ -	4 \$ 770	\$ -	2 \$ 313	\$ -	2 \$ 190	\$ -	\$ -	\$ -	\$ -	2 \$ 417	2 \$ 150	54	\$ 6,006	\$ 721	\$ 6,727
7. Evaluate Non-Monetary Factors	\$ -	4 \$ 377	\$ -	2 \$ 385	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	6	\$ 762	\$ 91	\$ 853
8. Develop Draft Feasibility Report and Meet with Village	6 \$ 1,197	16 \$ 1,507	\$ -	8 \$ 1,540	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	2 \$ 167	1 \$ 209	6 \$ 449	39	\$ 5,069	\$ 608	\$ 5,677
9. Incorporate Comments and Provide Final Report	\$ -	8 \$ 753	\$ -	2 \$ 385	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	2 \$ 150	12	\$ 1,288	\$ 155	\$ 1,443
10. Submit Final Phosphorus Feasibility Report to IEPA	\$ -	3 \$ 283	\$ -	2 \$ 385	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	2 \$ 150	7	\$ 817	\$ 98	\$ 915
<b>Total Fee</b>	<b>16 \$ 3,193</b>	<b>99 \$ 9,324</b>	<b>0 \$ -</b>	<b>32 \$ 6,162</b>	<b>0 \$ -</b>	<b>2 \$ 313</b>	<b>0 \$ -</b>	<b>2 \$ 190</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>48 \$ 5,752</b>	<b>2 \$ 167</b>	<b>4 \$ 835</b>	<b>12 \$ 897</b>	<b>217</b>	<b>\$ 26,833</b>	<b>\$ 3,220</b>	<b>\$ 30,053</b>
<b>Scope Items 1 - 6 - Antidegradation Analysis (If Necessary)</b>																		
1. Antidegradation Analysis	8 \$ 1,597	32 \$ 3,014	\$ -	16 \$ 3,081	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	2 \$ 417	\$ -	58	\$ 8,109	\$ 973	\$ 9,082
2. Prepare Section 10 - Antidegradation Analysis	2 \$ 399	4 \$ 377	\$ -	2 \$ 385	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	5 \$ 374	13	\$ 1,535	\$ 184	\$ 1,719
3. Prepare NPDES Permit application	1 \$ 200	16 \$ 1,507	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	1 \$ 209	2 \$ 150	20	\$ 2,065	\$ 248	\$ 2,313
4. Hold Meeting with IEPA, Environmental Advocacy Groups and Owner	8 \$ 1,597	\$ -	\$ -	2 \$ 385	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	10	\$ 1,982	\$ 238	\$ 2,220
5. Respond to IEPA comments on NPDES permit	1 \$ 200	2 \$ 188	\$ -	1 \$ 193	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	1 \$ 75	5	\$ 655	\$ 79	\$ 734
6. Prepare CMAP Application fro WQMP Amendment	8 \$ 1,597	54 \$ 5,086	2 \$ 329	4 \$ 770	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	2 \$ 150	70	\$ 7,931	\$ 952	\$ 8,883
<b>Total Fee</b>	<b>28 \$ 5,588</b>	<b>108 \$ 10,172</b>	<b>2 \$ 329</b>	<b>25 \$ 4,814</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>3 \$ 626</b>	<b>10 \$ 748</b>	<b>176</b>	<b>\$ 22,277</b>	<b>\$ 2,673</b>	<b>\$ 24,950</b>
<b>Scope Items 1 - 3 - Miscellaneous Services (If Authorized)</b>																		
1. Perform Additional BPR Potential Testing at the WWTF	\$ -	2 \$ 188	\$ -	1 \$ 193	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	12 \$ 1,438	\$ -	\$ -	\$ -	15	\$ 1,819	\$ 218	\$ 2,037
2. Perform Additional Chemical Phosphorus Removal Jar Testing	\$ -	2 \$ 188	\$ -	1 \$ 193	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	12 \$ 1,438	\$ -	\$ -	\$ -	15	\$ 1,819	\$ 218	\$ 2,037
3. Perform BioWIN Modeling	6 \$ 1,197	100 \$ 9,419	\$ -	12 \$ 2,311	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	2 \$ 417	1 \$ 75	121	\$ 13,419	\$ 1,610	\$ 15,029
<b>Total Fee</b>	<b>6 \$ 1,197</b>	<b>104 \$ 9,795</b>	<b>0 \$ -</b>	<b>14 \$ 2,696</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>0 \$ -</b>	<b>24 \$ 2,876</b>	<b>0 \$ -</b>	<b>2 \$ 417</b>	<b>1 \$ 75</b>	<b>151</b>	<b>\$ 17,057</b>	<b>\$ 2,047</b>	<b>\$ 19,104</b>



# MEMO

**Date:** September 14, 2015

**To:** Valerie L. Salmons, Village Administrator

**From:** Dan Dinges, Public Works Director

**Re:** *Purchase of One (1) Wheel Loader*

I have received pricing for the purchase of one (1) John Deere 444K Four Wheel Drive Wheel Loader. The pricing was obtained from GSA Federal Contract, the Iowa Department of Transportation state contract, the NJPA Purchasing Cooperative, and Westside Tractor Sales of Wauconda. The pricing includes a trade in price for our existing 1996 John Deere 344G loader.

<u>Contract</u>	<u>Base Price</u>	<u>Trade-In</u>	<u>Total</u>
West Side Tractor Sales	\$ 141,968.00	\$ 18,000	\$ 123,968.00
NJPA Coop	\$ 144,055.81	\$ 17,000	\$ 127,055.81
GSA	\$ 143,689.21	\$ 17,000	\$ 126,689.21
Iowa State Contract	\$ 152,851.81	\$ 17,000	\$ 135,851.84

There is a budget of \$140,000 for this item in the 2015-2016 Vehicle Replacement Budget.

We have purchased and leased tractors from West Side Tractor Sales in the past. We have always been satisfied with the quality of products and high level of service they provide. Based upon the prices provided, I recommend the Village Board approve the purchase of One (1) John Deere 444K Wheel Loader, including trade in from West Side Tractor Sales, of Wauconda, IL, in the amount of \$ 123,968.00. Please place this on the next available Board Agenda.

**Motion**

I move the Village Board approve the purchase of One (1) John Deere 444K Four Wheel Drive Wheel Loader, including the trade in of the Village owned 1996 John Deere 344G Loader in the Amount of \$123,968 from West Side Tractor Sales of Wauconda Illinois.

Village of Bartlett  
228 S. Main St.  
Bartlett, IL 60103

September 9, 2015

Attn Keith Watson,

Thank you for allowing West Side Tractor to offer you a quote on a new John Deere 444K using the NJPA (Contract # 060311-JDC) discount structure.

### New John Deere 444K

- Standard Gathering Group
- FT4 Engine Emissions
- Full Cab with Heat AC
- Trans W/O Axle Disconnect
- 130 Amp Alternator
- Muffler with Chrome Exhaust
- Air Intake W Precleaner
- Reversing Fan Drive
- Fuel Tank W Standard Filter
- JD Link Ultimate
- Steering Cylinder Greased
- High Lift Z bar Linkage
- Seat, Cloth w Air Suspension
- 3 Function Joystick
- Ride Control System
- English Decals
- Dual Locking Axles
- Axle Manual Diff Lock
- 17.5 R 25 L3 1 Star Michellin 3 piece rim
- Less Fenders
- Premium LED Light Package
- Cast Hitch
- Bucket Pins
- Environmental Drains
- 30 Amp converter
- Left Side Steps
- Payload Scale

Continued on Page 2



- JRB Hydraulic Coupler
- JRB 2.5 YD GP Bucket
- Pre-Delivery Inspection and Delivery

<b>Total GSA Price:</b>	<b>\$ 143,689.21</b>
<i>John Deere 344G Trade</i>	<u>\$ 18,000.00</u>
<b>Total GSA pricing:</b>	<b>\$ 125,689.21</b>
<i>Additional West Side Discounts:</i>	<u>\$ 1,721.21</u>
<b>West Side Total Price:</b>	<b>\$ 123,968.00</b>

Please contact me with any questions or concerns.

Thank you

This quote is valid for 30 days from the above date.

Chris Mazzone  
 West Side Tractor Sales  
 Cell: (630) 816-5001  
 Office: (847) 526-7700  
 Office Fax: (847) 526-3565  
[cmazzone@westsidetractorsales.com](mailto:cmazzone@westsidetractorsales.com)  
[www.westsidetractorsales.com](http://www.westsidetractorsales.com)





Keith Watson  
 Village of Bartlett  
 1150 Bittersweet Drive  
 Bartlett IL 60103  
 Phone: 630-837-2459

September 08, 2015

**Quote Number 152836 : Wheel Loader 444K, NJPA Cooperative  
 Contract 032515-JDC.**

*All the prices in the detailed sections are Per machine basis.*

**Machine Configuration**

Code	Description	Qty	Unit Price
7540T	444K 4WD LOADER	1	\$145,233.00
0810	STANDARD GATHERING GROUP	1	In Base
0924	FT4 ENGINE	1	\$14,024.00
1110	TRANSMISSION WO AX DISC	1	In Base
1215	130AMP ALTERNATOR	1	\$585.00
1330	MUFFLER WITH CHROME EXHAUST	1	\$344.00
1430	AIR INTAKE W PRECLEANER	1	\$617.00
1520	REVERSE FAN DRIVE	1	\$1,550.00
1610	FUEL TANK W STD FILTER	1	In Base
1700	JD LINK ULTIMATE NA 3YR	1	In Base
1910	STEERING CYLINDER GREASED	1	In Base
2020	HI-LIFT ZBAR LINKAGE SYSTEM	1	\$4,042.00
2220	SEAT, CLOTH W AIR SUSPENSION	1	In Base
2432	3FN/JYSTK/1AUX/FNR	1	\$2,929.00
2510	RIDE CONTROL SYSTEM	1	\$4,015.00
2605	ENGLISH DECALS	1	\$0.01
2730	30 AMP CONVERTER	1	\$265.00
2850	EMBEDDED PAYLOAD SCALE	1	\$7,135.00
3049	AXLE,W/ HYD FRONT & REAR	1	\$1,953.00
3120	AXLE MANUAL DIFF LOCK	1	In Base
4221	17.5R25 L3 1 STAR MI-3PC RIM	1	\$14,799.00
5570	LESS FENDERS	1	\$0.01
5610	LEFT SIDE STEPS	1	In Base
7140	PREMIUM LED LIGHT PACKAGE	1	\$3,232.00
8220	CAST HITCH	1	\$688.00
8320	HEATED OUTSIDE MIRRORS	1	\$624.00

8422	CAB WITH AIR	1	\$12,100.00
8450	AC CHARGE	1	In Base
8550	BUCKET PINS	1	\$595.00
9043	ENVIRONMENTAL DRAIN	1	\$410.00
		<b>Total</b>	<b>\$215,140.02</b>
		<b>Discount (38%)</b>	<b>\$81,753.21</b>
		<b>Net Price</b>	<b>\$133,386.81</b>

**Custom Jobs**

Code	Description	Qty	Price
	Dlr provide JRB Hydraulic Coupler and Install	1	\$3,485.00
	Dlr provide JRB 2.5YD GP Bucket	1	\$4,666.00
	Dlr provide JRB Full Cutaway Grapple Bucket	1	<del>\$10,976.00</del>
	Dlr provide JRB 1.75 YD MP Bucket	1	<del>\$9,648.00</del>
	Dlr provide JRB 60" x 60" Construction Forks	1	<del>\$4,322.00</del>
	Dlr Pre-Delivery Inspection	1	\$996.00
	Dlr Local Delivery	1	\$650.00
		<b>Total</b>	<b><del>\$34,743.00</del></b>

9,767

**TradeIns**

Make	Model	Year	Description	Qty	Trade-in Unit Price
JOHN DEERE	344G	1996	4WD Loader S/N 001185	1	\$17,000.00
<b>Total TradeIns Price</b>					<b>\$17,000.00</b>

Quote Summary - Wheel Loader 444K (per unit)	
Item Description	Prices
Machine Net Price	\$133,386.81
Custom Jobs	<del>-\$34,743.00</del>
Less Trade-ins	<del>-\$17,000.00</del>
<b>Price per Machine</b>	<b>\$151,129.81</b>

9,767

Destination	Freight Charge
Naperville, IL	\$902.00

**Total Net Price (Quantity = 1) \$152,031.81**

**Warranty Terms**

444K includes Standard Warranty of 12 months.

**Remarks:**

Please note that this quote is valid for 30 days.

Contact Richard Murga - Phone: 309-765-0260, Fax: 309-765-3358, Email: MurgaRichard@JohnDeere.com -- Purchase Order must be made out to: John Deere Construction Retail Sales, 1515 Fifth Avenue, Moline, IL 61265. FED TAX ID: 36-3387700, DUNS: 142124762.



Keith Watson  
 Village of Bartlett  
 1150 Bittersweet Drive  
 Bartlett IL 60103  
 Phone: 630-837-2459

September 08, 2015

Quote Number 152839 : Wheel Loader 444K, **GSA Federal Contract GS-30F-0013U** \*\*\*Orders placed by state and local entities, under the Disaster Purchasing program must include the following statement: This order is placed under GSA Schedule number \_23V\_ under the authority of the GSA Disaster Purchasing program. The products and services purchased will be used in preparation or response to disasters or recovery from major disaster declared by the President, or recovery from terrorism or nuclear, biological, chemical, or radiological attack.\*\*\*

All the prices in the detailed sections are Per machine basis.

**Machine Configuration**

Code	Description	Qty	Unit Price
7540T	444K 4WD LOADER	1	\$145,233.00
0810	STANDARD GATHERING GROUP	1	In Base
0924	FT4 ENGINE	1	\$14,024.00
1110	TRANSMISSION WO AX DISC	1	In Base
1215	130AMP ALTERNATOR	1	\$585.00
1330	MUFFLER WITH CHROME EXHAUST	1	\$344.00
1430	AIR INTAKE W PRECLEANER	1	\$617.00
1520	REVERSE FAN DRIVE	1	\$1,550.00
1610	FUEL TANK W STD FILTER	1	In Base
1700	JD LINK ULTIMATE NA 3YR	1	In Base
1910	STEERING CYLINDER GREASED	1	In Base
2020	HI-LIFT ZBAR LINKAGE SYSTEM	1	\$4,042.00
2220	SEAT, CLOTH W AIR SUSPENSION	1	In Base
2432	3FN/JYSTK/1AUX/FNR	1	\$2,929.00
2510	RIDE CONTROL SYSTEM	1	\$4,015.00
2605	ENGLISH DECALS	1	\$0.01
2730	30 AMP CONVERTER	1	\$265.00
2850	EMBEDDED PAYLOAD SCALE	1	\$7,135.00
3049	AXLE, W/ HYD FRONT & REAR	1	\$1,953.00

3120	AXLE MANUAL DIFF LOCK	1	In Base
4221	17.5R25 L3 1 STAR MI-3PC RIM	1	\$14,799.00
5570	LESS FENDERS	1	\$0.01
5610	LEFT SIDE STEPS	1	In Base
7140	PREMIUM LED LIGHT PACKAGE	1	\$3,232.00
8220	CAST HITCH	1	\$688.00
8320	HEATED OUTSIDE MIRRORS	1	\$624.00
8422	CAB WITH AIR	1	\$12,100.00
8450	AC CHARGE	1	In Base
8550	BUCKET PINS	1	\$595.00
9043	ENVIRONMENTAL DRAIN	1	\$410.00
<b>Total</b>			<b>\$215,140.02</b>
<b>Discount (37%)</b>			<b>\$79,601.81</b>
<b>Net Price</b>			<b>\$135,538.21</b>

**Custom Jobs**

Code	Description	Qty	Price
	Dlr provide JRB Hydraulic Coupler and Install	1	\$3,485.00
	Dlr provide JRB 2.5YD GP Bucket	1	\$4,666.00
	Dlr provide JRB Full Cutaway Grapple Bucket	1	<del>\$10,976.00</del>
	Dlr provide JRB 1.75 YD MP Bucket	1	\$9,648.00
	Dlr provide JRB 60" x 60" Construction Forks	1	\$4,322.00
<b>Total</b>			<b>\$33,097.00</b>

8,151

**TradeIns**

Make	Model	Year	Description	Qty	Trade-in Unit Price
JOHN DEERE	344G	1996	4WD Loader S/N 001185	1	\$17,000.00
<b>Total TradeIns Price</b>					<b>\$17,000.00</b>

Quote Summary - Wheel Loader 444K (per unit)	
Item Description	Prices
Machine Net Price	\$135,538.21
Custom Jobs	<del>\$33,097.00</del>
Less Trade-ins	<del>\$17,000.00</del>
<b>Price per Machine</b>	<b>\$151,635.21</b>

8,151

126,689

**Total Net Price (Quantity = 1)**

**\$151,635.21** 126,689

**Warranty Terms**

444K includes Standard Warranty of 12 months.

**Remarks:**

Please note that this quote is valid for 30 days.

Contact Richard Murga - Phone: 309-765-0260, Fax: 309-765-3358, Email:

MurgaRichard@JohnDeere.com -- Purchase Order must be made out to: John Deere  
Construction Retail Sales, 1515 Fifth Avenue, Moline, IL 61265. FED TAX ID: 36-3387700,  
DUNS: 142124762.



Keith Watson  
 Village of Bartlett  
 1150 Bittersweet Drive  
 Bartlett IL 60103  
 Phone: 630-837-2459

September 08, 2015

**Quote Number 152840 : Wheel Loader 444K, Iowa DOT Contract 4425**

*All the prices in the detailed sections are Per machine basis.*

**Machine Configuration**

Code	Description	Qty	Unit Price
7540T	444K 4WD LOADER	1	\$145,233.00
0810	STANDARD GATHERING GROUP	1	In Base
0924	FT4 ENGINE	1	\$14,024.00
1110	TRANSMISSION WO AX DISC	1	In Base
1215	130AMP ALTERNATOR	1	\$585.00
1330	MUFFLER WITH CHROME EXHAUST	1	\$344.00
1430	AIR INTAKE W PRECLEANER	1	\$617.00
1520	REVERSE FAN DRIVE	1	\$1,550.00
1610	FUEL TANK W STD FILTER	1	In Base
1700	JD LINK ULTIMATE NA 3YR	1	In Base
1910	STEERING CYLINDER GREASED	1	In Base
2020	HI-LIFT ZBAR LINKAGE SYSTEM	1	\$4,042.00
2220	SEAT, CLOTH W AIR SUSPENSION	1	In Base
2432	3FN/JYSTK/1AUX/FNR	1	\$2,929.00
2510	RIDE CONTROL SYSTEM	1	\$4,015.00
2605	ENGLISH DECALS	1	\$0.01
2730	30 AMP CONVERTER	1	\$265.00
2850	EMBEDDED PAYLOAD SCALE	1	\$7,135.00
3049	AXLE, W/ HYD FRONT & REAR	1	\$1,953.00
3120	AXLE MANUAL DIFF LOCK	1	In Base
4221	17.5R25 L3 1 STAR MI-3PC RIM	1	\$14,799.00
5570	LESS FENDERS	1	\$0.01
5610	LEFT SIDE STEPS	1	In Base
7140	PREMIUM LED LIGHT PACKAGE	1	\$3,232.00
8220	CAST HITCH	1	\$688.00
8320	HEATED OUTSIDE MIRRORS	1	\$624.00
8422	CAB WITH AIR	1	\$12,100.00

8450	AC CHARGE	1	In Base
8550	BUCKET PINS	1	\$595.00
9043	ENVIRONMENTAL DRAIN	1	\$410.00
<b>Total</b>			<b>\$215,140.02</b>
<b>Discount (33%)</b>			<b>\$70,996.21</b>
<b>Net Price</b>			<b>\$144,143.81</b>

**Custom Jobs**

Code	Description	Qty	Price
	Dlr provide JRB Hydraulic Coupler and Install	1	\$3,485.00
	Dlr provide JRB 2.5YD GP Bucket	1	\$4,666.00
	Dlr provide JRB Full Cutaway Grapple Bucket	1	<del>\$10,976.00</del>
	Dlr provide JRB 1.75 YD MP Bucket	1	<del>\$9,648.00</del>
	Dlr provide JRB 60" x 60" Construction Forks	1	<del>\$4,322.00</del>
	Dlr Pre-Delivery Inspection	1	\$485.00
	Dlr Local Delivery	1	\$72.00
<b>Total</b>			<del>\$33,654.00</del> <b>\$708</b>

**TradeIns**

Make	Model	Year	Description	Qty	Trade-in Unit Price
JOHN DEERE	344G	1996	4WD Loader S/N 001185	1	\$17,000.00
<b>Total TradeIns Price</b>					<b>\$17,000.00</b>

<b>Quote Summary - Wheel Loader 444K (per unit)</b>	
Item Description	Prices
Machine Net Price	\$144,143.81
Custom Jobs	<del>\$33,654.00</del> <b>\$708</b>
Less Trade-ins	-\$17,000.00
<b>Price per Machine</b>	<b>\$160,797.81</b>

**Total Net Price (Quantity = 1)**

**\$160,797.81** **135,856**

**Warranty Terms**

444K includes Standard Warranty of 12 months.

**Remarks:**

*Please note that this quote is valid for 30 days.*

Contact Richard Murga - Phone: 309-765-0260, Fax: 309-765-3358, Email: MurgaRichard@JohnDeere.com -- Purchase Order must be made out to: John Deere Construction Retail Sales, 1515 Fifth Avenue, Moline, IL 61265. FED TAX ID: 36-3387700, DIINS: 142124762.