



**City of Wilmington
Ordinance & Licensing Committee
Tuesday, August 8, 2017 at 6:00 p.m.**

Location & Time

Council Chamber
Wilmington City Hall
1165 S. Water Street
6:00 p.m. 08/08/2017

**Ordinance & Licensing
Committee Members**

Kirby Hall, Co-Chair
Lisa Butler, Co-Chair
Larry Hall
Steve Evans
Kevin Kirwin

Agenda

1. Call to Order
2. Approval of the July 11, 2017 Meeting Minutes
3. Old Business
 - a. Final Review ó An Ordinance Amending Title III of the City of Wilmington Code of Ordinances Providing for Cost Recovery Provisions
 - b. Final Review ó Overweight Vehicle Ordinance
 - c. Final Review ó An Ordinance Establishing a Policies and Procedures for the Issuance of a Commercial Filming Permit
 - d. Update ó "NO PARKING" County Road at Baltimore Street
 - e. Update ó Water Billing Procedures
4. New Business
 - a. Review Ordinance Creating a Sanitary Sewer Fats, Oils and Greases Disposal Ordinance
 - b. Discussion ó Allowing Golf Carts of City Streets
 - c. Amending Liquor License Availability ó Class A
5. Public Comment
6. Adjournment

*Posting Date
8/4/2017 9:36 AM jjz*

MINUTES
REGULAR MEETING
ORDINANCE AND LICENSING COMMITTEE
Tuesday, July 11th, 6:00 PM

(Kindly note: tape recorder did not properly operate for this meeting. Minutes are based on notes provided by Interim City Administrator Frank Koehler)

1. Call to Order:

The meeting was called to order at 6:00 PM by Chairman Kirby Hall.

Attendance: Members present included Alderman Kirby Hall, Co-Chair Alderman Lisa Butler, Alderman Larry Hall, Alderman Kevin Kirwin, Alderman Steve Evans, Mayor Roy Strong, Frank Koehler-Interim City Administrator, Pam Monson-Free Press Advocate, and Resident Sherry Michaels

2. Approval of Minutes: Alderman Kevin Kirwin noted that on page 1 of the minutes of the Ordinance and License Committee meeting of March 14th, under New Business, the word “march” should be changed to read “match”. There being no other corrections, it was moved by Alderman Kirwin and seconded by Alderman Evans to approve the minutes as corrected. All voted yes.

3. New Business

a. Ordinance Amending Title III of the City of Wilmington Code of Ordinances providing for Cost Recovery Provisions.

Interim City Administrator Koehler noted that this is a clarification of present provisions in the City Municipal Code, and replicates programs in place in other communities. It requires developers to post an escrow to cover the cost of City review of proposals. What is different from current regulations is that it codifies the type of agreement that would be used, and provides dollar amounts developers are required to post, deepening on the size of the project.

In response to a question, it was noted that negotiations are underway with RidgePort to ensure full coverage of plan review by the City and reimbursement of those costs, and that by virtue of an amended annexation agreement, RidgePort would be exempt from the proposed ordinance.

Following a discussion, it was moved by Alderman L. Hall and seconded by Alderman Kirwin to recommend this be placed on the Council agenda for 1st reading at their meeting of Tuesday, July 18th. All voted yes.

b. An Ordinance Amending Section 150.19 of the Wilmington Zoning Ordinance, providing for Planning Commission Review of Multifamily Residential, Commercial and Industrial Developments.

Koehler noted that current ordinance provisions call for staff review and City Council approval, but no review by the Planning commission. The ordinance would require Planning Commission review and establish a recommendation process.

Koehler noted that as this is an amendment to the zoning ordinance, this would require a public hearing at the Planning Commission level.

It was the consensus of the Committee to send this to the Planning Commission for formal consideration.

c. An Ordinance establishing Overweight Vehicle Regulations for the City of Wilmington

Koehler noted that he and Police Chief Arnold had worked on the proposed ordinance, in consultation with the City Attorney. It mirrors provisions in place in other communities. It would allow for coordination with the firm of Oxcart to administer the permits. Oxcart has been recommended by the Metropolitan Mayor's Caucus, and presently works with over 50 communities. The City would receive 100% of the permit fees with no administrative fee charged to the City. Rather, Oxcart charges an administrative fee which is paid for by the recipients of the permits.

Following a discussion, it was moved by Alderman Evans and Seconded by Alderman Kirwin to place this on the Council Agenda for 1st reading at their meeting of July 18th. All voted yes.

d. A proposal to create a No Parking Area along County Road, east of Baltimore Street.

As described by Koehler, this portion of County Road has a pronounced curve, and that adjoining driveways are often partially blocked by parked vehicles. This would allow for a creation of a no parking area to facilitate access to the adjoining properties.

Following a discussion, it was moved by Alderman L. Hall and seconded by Alderman Butler to draft an ordinance creating a no parking area as described, with the ordinance to be placed on the Council agenda of 7/18 for First Reading. All voted yes.

e. An Ordinance proposing a Filming Permit application procedure for the City of Wilmington

Koehler noted that a movie production company has approached the City as to using Wilmington as a backdrop for a new movie. Production could begin this fall. The proposed regulations, based on similar procedures in place in Lockport, Deerfield, Lake Forest, and elsewhere are not intended to create revenue for the City but rather to cover any costs that may be incurred by the City, and to provide for notification of property owners in the areas where filming may take place.

Following a brief discussion, it was moved by Alderman L. Hall and seconded by Alderman Evans to place this on the City agenda of 7/18 for first reading. All voted yes.

f. Clarification of Wilmington water billing procedures

Koehler noted that current City regulations resulted in a new resident being held responsible for an unpaid water bill generated by a prior resident. Under current procedures, the city liens properties where the unpaid water bill exceeds \$300.00. In this case, the unpaid water bill amounted to \$140.00. The new resident indicated that he had acquired the property as a result of a federal

foreclosure and had had no prior involvement with this property or with the prior owners of the property.

Alderman Evans asked for a clarification as to current City procedures for the shutting off of water service to customers who have overdue water bills. Koehler noted he would follow up on this.

Following a discussion, it was the consensus of Committee members to not hold the new applicant responsible for the outstanding water bill. In the future, in the case of foreclosures, it was recommended that the City ask for a copy of the foreclosure proceedings. If the new resident has had no prior connection with the property or with the prior owners of the property, or had not been responsible for an unpaid water bill elsewhere in the City, they would not be held responsible for the outstanding water bill associated with the property in question.

4. Public Comments:

Alderman L. Hall noted that a resident had contacted him as to the size of a company vehicle he, the resident, would be parking at his residence, inquiring if this would be a conflict with other City regulations. It was the consensus of the Committee members that the vehicle in question was identical in size as to other vehicles parked in residential sections of the City, and that this would not create an ordinance conflict.

5. Adjournment: there being no other business, it was moved by Alderman Butler and seconded by Alderman Evans to adjourn the meeting. All voted Yes.

Meeting was adjourned at 7:10 PM

Respectively submitted

Frank Koehler
Interim City Administrator

FIRST READING – 07/18/2017
SECOND READING – 08/01/2017

AN ORDINANCE AMENDING TITLE III OF THE CITY OF WILMINGTON CODE OF ORDINANCES PROVIDING FOR COST RECOVERY PROVISIONS

WHEREAS, it is in the best interest of the City to ensure that all costs incurred in the review of a petition or an application for annexation, subdivision, zoning amendment, variation, conditional use, special use, building permit, liquor license, or other license or permit required by law and issuable by the City are fully reimbursed to the City by the applicant of said petition or application;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. Amend Title III General Provisions, by inserting the following new chapter

“Chapter 46 COST RECOVERY

16.01 Costs to be recovered.

The costs as described in [§ 16.02](#) below shall be:

- A. Recoverable and paid by the applicant/petitioner whenever such costs are actually incurred by the City in reviewing for approval a petition or an application for annexation, subdivision, zoning amendment, variation, conditional use, special use, building permit, liquor license, or other license or permit required by law and issuable by the City; or
- B. Recoverable and paid by the proposed developer/developer whenever such costs are actually incurred by the City in reviewing and analyzing a development proposal, which has not yet reached the formal petition or application stage, or an economic incentive request.

16.02 Costs Defined

Costs shall be those for which the City receives an invoice, statement or receipt from a third party and shall include, but not be limited to: legally required public notice expenses, court reporter and transcript fees, legal document recordation expenses; professional consultation fees such as, but not limited to, legal, planning, engineering, traffic, financial and other disciplines necessitated by the Project, and documented administrative/staff time expended in the review of the project. Fees shall also include, but are not limited to all time associated with review, analysis, discussions, meetings, inspections, planning and other work or services performed on behalf of the City in conjunction with the project.

16.03 Payment

Payment shall be due upon the issuance of the applicable permit or license, upon approval of the requested relief or within 30 days of issuance of a statement of expense by the City when no permit or license is issued or the relief sought is not granted.

Notwithstanding the foregoing, the City staff is hereby authorized to enter into an agreement with a proposed developer/developer, relative to a particular development proposal and/or economic incentive request, as referenced in [§ 16.01](#)(B) above, pursuant to which the proposed developer/developer shall deposit with the City an agreed upon amount, relative to the anticipated costs (as defined in [§ 16.02](#) above) to be incurred by the City in regard to reviewing and analyzing said development proposal and/or economic incentive request.

16.04 Failure to Pay

Failure of the applicant/petitioner or proposed developer/developer to pay, as specified in [§ 16.03](#) above, or in accordance with the terms of the agreement to reimburse costs referenced in [§ 16.03](#) above, if entered into, shall entitle the City to withhold indefinitely the granting of the relief sought and/or the issuance of the permit or license, to withhold indefinitely the issuance of the next subsequent permit or license sought by the applicant/petitioner or proposed developer/developer, or to withhold indefinitely the next subsequent relief sought by the applicant/petitioner or proposed developer/developer in relation to the property that was the subject of the application/petition or development proposal/economic incentive request.

EXHIBIT A

AGREEMENT TO REIMBURSE COSTS

Date: _____	Applicant: _____	
	Affected Property:	P.I.N.: _____ - _____ - _____ _____

Recitals

WHEREAS, Applicant has requested that the City of Wilmington, Illinois (the "City") undertake selected third party consultant services prior to the City's formal consideration of a development proposal and/or in relation to an economic incentive request; and

WHEREAS, [Section 16.01](#) of the Wilmington City Code identifies third party consultant costs as being "recoverable and paid by the proposed developer/developer whenever such costs are actually incurred by the City in reviewing and analyzing a development proposal, which has not yet reached the formal petition or application stage, or an economic incentive request"; and

WHEREAS, the City and the Applicant deem it to be of mutual benefit to provide for said third party consultant services, prior to the City's formal consideration of a development proposal and/or in relation to an economic incentive request, to help ensure that both the City and the Requestor have the best information available prior to formal consideration of the development proposal and/or the economic incentive request; and

WHEREAS, the City would not undertake the requested Services unless the City was being reimbursed for the cost thereof by the Applicant.

NOW, THEREFORE, BASED ON THE FOREGOING, THE MUTUAL PROMISES CONTAINED HEREIN, AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED BY THE CITY AND THE APPLICANT, IT IS HEREBY AGREED BETWEEN THE APPLICANT AND THE CITY AS FOLLOWS:

Section One: Applicant Promise to Reimburse. Applicant agrees to reimburse the City for all of the costs of the third party consultants retained by the City, relative to the Services. While the City agrees to exercise reasonable control over its incurrence of costs, in regard to the Services, it does not commit that its costs will be less than a particular sum. Reimbursement of costs as defined in Section 16.02 incurred by the City, relative to the Services, shall be made to the City not later than thirty (30) days following the Applicant's receipt of a copy of the third party consultant's statement relative to the Services.

Section Two: Prepayment of Costs. This Agreement shall be null and void unless the Applicant, within three (3) days after the date of this Agreement, pays to the City the Prepayment stated above. This is to guarantee reimbursement to the City, but does not replace the obligations of Section 3 above. In regard to the payment obligation set forth in Section 3 above, the City may draw upon the Prepayment for reimbursement of the costs incurred by the City relative to the Services.

At such time as the funds on hand as deposited by the developer are less than fifty percent (50%) of the original amount indicated herein, the applicant, upon written notice from the city, shall deposit with the City an additional sum of funds such that remaining funds on hand are equal to the minimum security amount as indicated herein.

SIZE OF DEVELOPMENT	SECURITY
Single Lot – Five acres or less	\$500.00
Five to Ten Acres	\$3,000.00
Eleven to Ninety-Nine Acres	\$8,000.00
100 Acres or More	\$10,000.00

Section Three: Payment. The City shall provide the applicant with timely invoices itemizing the fees and the work performed. The Applicant shall pay to the City within thirty (30) days of the date of the invoice from the City. If the Applicant does not pay the statement within the thirty (30) day period, interest shall accrue on the unpaid balance at the rate of eighteen percent (18%) per annum. The City may also, following written notification to the Applicant, directing that all professional staff and City officials cease work on the project until the invoice is paid in full. If the applicant has progressed to the stage where building or occupancy permits are being issued, such permits may be withheld until all fees are paid to the satisfaction of the City.

Section Four: Cooperation. The Applicant will provide reasonable cooperation to the City, its officials and independent professional staff with respect to the review of its project and Applicant's performance thereunder.

Section Five: Representation of City Only. The applicant acknowledges that the independent professional staff or consultants solely represent the City and its interests, and do not represent the applicant.

Section Six: Conflict. If the terms and provisions of this agreement conflict with any ordinance of the City or agreement between the parties, the terms and provisions of the professional Fee Agreement shall supersede, set and control any other terms or provisions.

Section Seven: Attorney Fees: In the event any suit or action is brought to enforce or otherwise affect this agreement or any of its provisions, the applicant shall pay the City’s attorney and expert witness fees, costs and expenses associated with such litigation.

Section Eight: Severability: the invalidity of any paragraph or subparagraph of this Agreement shall not impair the validity or any other paragraph or subparagraph. If any provision of the Agreement is determined to be unenforceable, such provision shall be determined severable and the Agreement may be enforced with such provision severed or as modified by such court.

Section Nine: Entire Agreement: This Agreement embodies the entire agreement and understanding between the parties and there are no other agreements, representations, warranties, or understandings oral or written, between the parties with respect to the subject matter of this Agreement. No alteration, modification, amendment or change of this Agreement shall be valid unless by written instrument.

Section Ten: Counterparts. This agreement may be signed in counterparts by facsimile or otherwise as commercially reasonable to signify the party’s acceptance of the Agreement.

IN WITNESS THEREOF, the City of Wilmington has caused this agreement to be duly executed by the Mayor, attested to by the City Clerk, and its corporate seal affixed thereto, all in accordance with and pursuant to due authority vested in them by the City Council of the City of Wilmington, and applicant has heard and affixed his/her hand and seal, all as of the date and year first written above.

APPLICANT

CITY OF WILMINGTON
An Illinois Municipal Corporation

BY:

BY:

ATTEST

ATTEST

BY:

BY: “

SECTION 2: REPEALER

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance shall be and the same are hereby repealed.

SECTION 3: SEVERABILITY

This Ordinance and every provision thereof shall be considered severable. In the event that any court of competent jurisdiction may find and declare any word, phrase, clause, sentence, paragraph, provision or section or part of a phrase, clause, sentence, paragraph, provision or section of this Ordinance is void or unconstitutional, the remaining words, phrases, clauses, sentences, paragraphs, provisions and sections and parts of phrases, clauses, sentences, paragraph, provisions, and section not ruled void or unconstitutional shall continue in full force and effect.

SECTION 5: EFFECTIVE DATE

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

PASSED this _____ day of _____, 2017 with _____ members voting aye, _____ members voting nay, the Mayor voting _____, with _____ members abstaining or passing and said vote being:

John Persic, Jr.	_____	Kevin Kirwin	_____
Larry Hall	_____	Kirby Hall	_____
Fran Tutor	_____	Lisa Butler	_____
Steve Evans	_____	Frank Studer	_____

Approved this _____ day of _____, 2017

Roy Strong, Mayor

Attest:

Joie Ziller, Deputy City Clerk

ORDINANCE NO. _____
FIRST READING – 07/18/2017
SECOND READING – 08/01/2017

**AN ORDINANCE ESTABLISHING VEHICLE WEIGHT LIMITS,
DIMENSION, AND PERMITS FOR THE CITY OF WILMINGTON,
WILL COUNTY, ILLINOIS**

WHEREAS, the City of Wilmington is empowered through the Illinois Vehicle Code and its police powers to impose weight, height, width, and length limitations and prohibit the operation of trucks or other commercial vehicles on designated roads within its boundaries to protect the lives, public health, and general welfare of its residents, including, but not limited to the preservation of the strength and integrity of City maintained roads, to mitigate expenditures caused by road deterioration, and to minimize traffic congestion and hazards; and

WHEREAS, the Corporate Authorities deem it necessary, proper, and in the best interest of the City to adopt this Ordinance to protect and regulate its roadways consistent with the Illinois Vehicle Code to promote the health, safety, and welfare of the residents of the City of Wilmington;

WHEREAS, the Corporate Authorities determined that the funds derived from permit fees and fines imposed to regulate the weight, load and dimensional limits on vehicles using City of Wilmington roads are necessary and proper for the maintenance, repair, and replacement of City roads.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: THAT THE CITY OF WILMINGTON CODE OF ORDINANCES IS AMENDED TO INCLUDE THE FOLLOWING:

TITLE VII - TRAFFIC CODE
CHAPTER 70 - GENERAL PROVISIONS
ARTICLE 4 - VEHICLE WEIGHT LIMITS, DIMENSIONS, AND PERMITS

70.40 INCORPORATION

That the preambles in this Ordinance are incorporated herein by this reference as if it were set out in full. The provisions of the Illinois Vehicle Code, 625 ILCS 5/15-101 et seq. (hereinafter referred to as "Chapter 15 of the Vehicle Code") are also hereby incorporated by reference and are made a part of this ordinance. To the extent that any of the provisions of Chapter 15 of the Vehicle Code conflict, contradict, or are inconsistent with any provisions of this ordinance, the provisions of Chapter 15 of the Vehicle Code shall control.

70.41 DEFINITIONS

For purposes of this article, the following definitions apply:

- a) Daily permit: A permit issued to a single vehicle, truck-tractor power unit or piece of special mobile equipment which is valid for unlimited moves on a designated route from 12:00am to 11:59pm within the same date.
- b) Weekly permit: A permit issued to a single vehicle, truck-tractor power unit or piece of special mobile equipment which is valid for unlimited moves for a period not to exceed seven (7) consecutive days from 12:00am on the 1st date to 11:59pm on the 7th date.
- c) Thirty (30) Day permit: A permit issued to a single vehicle, truck-tractor power unit, or piece of special mobile equipment which is valid for unlimited moves for a period not to exceed thirty (30) consecutive days from 12:00am on the 1st date to 11:59pm on the 30th date.
- d) Non-divisible: a vehicle and load will be considered non-divisible when it meets the definitions found in 625 ILCS 5.0/1-148.8 of the Illinois Vehicle Code.

70.42 WEIGHT, HEIGHT, WIDTH, AND LENGTH LIMITS; PERMITS

- a) A permit shall be required for the movement of any motor vehicle or combinations of motor vehicles, which is non-divisible or is carrying a load which is non-divisible, while operating on any street, road, highway, or bridge within the jurisdiction of the City which exceeds the maximum size or weight limits described in Chapter 15 of the Vehicle Code, namely Section 15-102 (width), 15-103 (height), 15-107 (length) and 15-111 (weight).
- b) It shall be unlawful for any person(s) to operate or cause to be operated a motor vehicle having a gross weight (including vehicle and maximum load) in excess of 80,000 pounds, or motorized equipment having a gross weight in excess of 80,000 pounds of any street, road, highway or bridge within the jurisdiction of the City. Failure to obtain a permit or failure to operate a vehicle in accordance with this Article shall be a violation of this ordinance, and subject to penalties as prescribed by State law at the time of the violation.
- c) Permits shall be issued only in the name of a person, firm, business or corporation who owns and operates the transporting vehicle or operates the vehicle under a bona fide lease agreement.
- d) Permits are only valid from 12:00 am on the date the permit becomes effective and until 11:59 pm on the date the permit expires.
- e) Permits are non-transferable and apply only to the permittee and vehicle to which it was issued.

- f) The City of Wilmington Police Department, in its discretion, may issue revisions to permits for a fee of \$20 (or 50% of the original permit fee if the original permit fee was \$30 or less) for the following:
 - 1. To correct an error attributed to the Police Department (no revision fee);
 - 2. To correct an error attributed to the applicant, discovered before the move;
 - 3. To adjust weights, dimensions or routes as issued on the permit, before the move is made; or
 - 4. To make an amendment or addition to a permit due to unforeseeable or exigent circumstances.
- g) The permit, when issued, constitutes an agreement between the permittee and the City that the move described in the application will take place only as described. The permittee has the responsibility to report to the Police Department any inaccuracies or errors on the part of either the City or the permittee before starting any move. Undertaking the move is prima facie evidence of acceptance by the permittee of the permit as issued and its terms.
- h) The routing prescribed in the permit constitutes the sole extent of the authority granted by the permit for the use of street, road, highway or bridge within the jurisdiction of the City, and any vehicle and/or load found to be off route will be considered operating without a permit. Permits shall be in the driver's possession in either paper or electronic form unless otherwise directed by the Police Department and presented upon demand to any police officer for inspection.
- i) Any vehicle(s) and/or load found to be divisible will render the permit null and void, and the entire gross weight and axles weights of the vehicle(s) with the load are subject to legal size and weights. It is the duty of the applicant to verify the non-divisibility of the vehicle(s) before making application for the permit. The permit application itself is prima facie evidence that the applicant confirmed the vehicle(s) and/or loads were non-divisible.
- j) All movements under the permit shall be made in accordance with all applicable federal, State and local laws, ordinances, rules and regulations.
- k) The Police Department shall maintain a list of reasonable provisions to accompany every permit. The Police Chief or his designee may amend this document from time to time at its sole discretion.
- l) Each permit and permittee is subject to the restrictions in the most current OPER 993 form issued by the Illinois Department of Transportation.
- m) All permits are limited to movements on assigned routes only.
- n) All overweight permits are restricted to each of the following maximum limitations and routing:
 - 1. 12 ft. 0 in. width
 - 2. 13 ft. 6 in. in height

3. 115 ft. in length
4. May not use any City roadway as a cut-thru to avoid using a State, County or Township highway.

These permits are subject to all standards of application set forth in Section 70.43(b), except that the load may be interchanged provided none of the listed maximum weights and dimensions are exceeded.

- o) Nothing in this Section shall override the prohibitions and truck routes set forth in Section 70.12, without an applicable permit.

70.43 APPLICATIONS FOR PERMITS

- a) Permits for proposed moves may be issued when the City streets, roads, highways, and bridges will not be damaged, and when the safety of the traveling public will be adequately protected.
- b) Applications for a permit to move an oversized and/or overweight vehicle, and/or load, must be made to the City of Wilmington Police Department. The following information shall be included on the permit application in addition to any other information deemed necessary by the Police Department:
 1. Company name;
 2. Company address, city, state and zip code;
 3. Company email, fax and telephone numbers;
 4. State whether the applicant is an authorized carrier under the Illinois Motor Carrier of Property Law, and if so, the certificate and registration or permit number issued by the Illinois Commerce Commission;
 5. Vehicle make, VIN, registration number and year of the hauling vehicle
 6. Operator of the motor vehicle's name;
 7. Description of load to be moved;
 8. Maximum weights and dimensions of the vehicle(s) including load; and
 9. Streets, roads, and highways under the jurisdiction of the City to be traveled under the intended route, including the point of origin and destination.
- c) The City of Wilmington, when not inconsistent with traffic safety, state or federal law, is authorized to issue or withhold such permit at its discretion; or, if such permit is issued at its discretion to prescribe the route or routes to be traveled, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the streets, roads, and highways indicated, or otherwise to limit or prescribe conditions of operations of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

70.44 POLICE ESCORTS

Civilian or police escorts shall be required at the discretion of the Police Department. The total number of police officers necessary to provide for a safe move shall be determined by the Police Department. Fees for police escorts shall be in addition to the permit fees set forth herein and included in the billing, invoicing and collection of permit fees. Police escort fees shall provide for a minimum of 2 hours of service calculated by the most current overtime rate established by the Police Department and shall be paid by the permittee prior to the move.

70.45 SUSPENSION AND REINSTATEMENT

- a) Permits are null and void if altered for any purpose. The permits issued under this section may be denied or suspended for such reasons as the City may deem rationally related to its governmental interests including, but not limited to:
 1. A permittee provides incorrect information in an application for a permit;
 2. A permittee, its agents, or employees operating on a permit that was altered;
 3. Non-compliance by permittee, its agents or employees with federal, State, or local ordinances pertaining to the transport of goods or operation of a vehicle engaged in the transport of goods;
 4. Moving on a roadway within the City without a valid permit, as required under this section.
- b) Suspension of a current and future permits shall be determined appropriate by the Police Department; however, reinstatement may be made upon conditions determined by the City and payment of all outstanding settlements or judgments.
- c) The Chief of Police or their designee shall administer and enforce this section and shall have the authority to grant, deny, suspend or reinstate permits. Any applicant or permittee denied a permit or who has had a permit suspended shall be given a hearing before the Chief of Police within five (5) business days of written demand.
- d) No permits shall be issued to an applicant or company who has outstanding fees or payments due to the City.

70.46

PERMIT FEE SCHEDULE

- a) The City shall collect a fee for the issuance of an oversize or overweight permit. Any weight or dimension greater than the maximums set forth in this ordinance are subject to special assessment and investigation to determine appropriate fees.
- b) The City is responsible for the collection of permit fees and may make rules and regulations as to acceptable methods of payment and due dates. Any unpaid permit fees will be turned over to a collection agency under contract of the City.

c) Fee Schedule:

Vehicle Weight exceeds 80,000 pounds, but less than 100,000 pounds.

Permit Fee:	Daily Permit	\$60.00
	Weekly Permit	\$168.00
	30 Day Permit	\$576.00

Vehicle Weight equivalent to or in excess of 100,000 pounds.

Permit Fee:	Daily Permit	\$100.00
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Vehicle Width exceeds the width limitation provided in 625 ILCS 5/15-102.

Permit Fee:	Daily Permit	\$100.00
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Vehicle length exceeds the length limits provided in 625 ILCS 5/15-107.

Permit Fee:	Daily Permit	\$100.00
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SECTION 2: SEVERABILITY

In the event any word, phrase, clause, sentence, paragraph, provision or section of this ordinance, or any part thereof, shall be held to be unconstitutional, unenforceable or void, the same shall not affect the validity or enforceability of any remaining words, phrases, clauses, sentences, paragraphs, provisions or sections of this ordinance.

SECTION 3: REPEALER

All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed.

SECTION 4: EFFECTIVE DATE

This Ordinance shall be effective after its passage, approval and publication as provided by law.

PASSED this _____ day of _____, 2017 with _____ members voting aye, _____ members voting nay, the Mayor voting _____, with _____ members abstaining or passing and said vote being:

John Persic, Jr.	_____	Kevin Kirwin	_____
Larry Hall	_____	Kirby Hall	_____
Fran Tutor	_____	Lisa Butler	_____
Steve Evans	_____	Frank Studer	_____

Approved this _____ day of _____, 2017

Roy Strong, Mayor

Attest:

Joie Ziller, Deputy City Clerk

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A POLICIES AND PROCEDURES FOR THE ISSUANCE OF A COMMERCIAL FILMING PERMIT IN THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS

WHEREAS, the City of Wilmington is an established community in Will County, located along such iconic corridors as Route 66 and the Kankakee River; and

WHEREAS, the City of Wilmington has an attractive historic district, which includes one of the oldest buildings in Will County, namely the Eagle Hotel; and

WHEREAS, because of its location and historical buildings and features, Wilmington has been featured in many commercial filming initiatives; and

WHEREAS, the City of Wilmington welcomes and encourages production companies to select Wilmington as a venue for filming, recognizing the positive economic impact such action can have on area business and residents; and

WHEREAS, the City also recognizes the impact such activities can have on area businesses and residents, and the financial costs such can have on the City; and

WHEREAS, the City seeks to strike a balance between the positive impacts and costs such activities can have on the City, its residents and businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: There are hereby adopted policies and procedures with respect to issuance of a permit for Commercial Filming, copies of which are attached hereto and incorporated by reference.

SECTION 2: REPEALER

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance shall be and the same are hereby repealed.

SECTION 4: SEVERABILITY

This Ordinance and every provision thereof shall be considered severable. In the event that any court of competent jurisdiction may find and declare any word, phrase, clause, sentence, paragraph, provision or section or part of a phrase, clause, sentence, paragraph, provision or section of this Ordinance is void or unconstitutional, the remaining words, phrases, clauses, sentences, paragraphs, provisions and sections and parts of phrases, clauses, sentences, paragraph, provisions, and section not ruled void or unconstitutional shall continue in full force and effect.

SECTION 5: EFFECTIVE DATE

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

PASSED this _____ day of _____, _____, with _____ members voting aye, _____ members voting nay, the Mayor _____ voting, with _____ member(s) abstaining or passing and said vote being:

Frank Studor _____

Kevin Kirwin _____

Fran Tudor _____

Larry Hall _____

Kirby Hall _____

Lisa Butler _____

John Persic _____

Steve Evans _____

CITY CLERK

APPROVED THIS _____ DAY OF _____, _____.

ROY STRONG, CITY MAYOR

(SEAL)

ATTEST:

CITY CLERK



CITY OF WILMINGTON

1165 S. Water Street Wilmington, IL 60481 P 815.476.2175 F 815.476.276

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APPLICATION FOR COMMERCIAL FILMING

Title of Commercial/Film/Photo Shoot

Type of Production: Commercial Feature Film Television
 Training Film Public Service Other

CONTACTS

PRODUCTION COMPANY: Name: _____
 Street Address: _____
 City, State, Zip: _____
 Phone: _____ Fax: _____

PRIMARY CONTACT: Name: _____
 Street Address: _____
 City, State, Zip: _____
 Phone: _____ Fax: _____
 EMAIL Address: _____

PRODUCER: Name: _____
 Street Address: _____
 City, State, Zip: _____
 Phone: _____ Fax: _____
 EMAIL Address: _____

LOCATION MANAGER: Name: _____
 Street Address: _____
 City, State, Zip: _____
 Phone: _____ Fax: _____
 EMAIL Address: _____

**ILLINOIS FILM OFFICE
REPRESENTATIVE** Name: _____
 Street Address: _____
 City, State, Zip: _____
 Phone: _____ Fax: _____
 EMAIL Address: _____

PRODUCTION

Production Schedule (give dates and times and rain dates. Hours should include set-up and restoration):

Number of Persons involved with the production, including cast and crew:

Anticipated need of City personnel, equipment or property:

Describe any areas in which public access will be restricted during production:

Describe alterations to property:

Synopsis of script and content of production (a complete copy of the script may be requested):

Number and type of production vehicles to be used and location where vehicle(s) will be parked/stored:

Location where crew will be fed, if not at a production location:

Describe any type of special effects expected or planned to be used in the production, including sound, pyrotechnics or other effects:

Describe method, procedures and contact information for the removal of garbage and other waste from the film production location(s):

Thank you for considering the City of Wilmington as your filming location!

HOLD HARMLESS AGREEMENT

(to be reviewed and modified by City Attorney)

I certify that I represent the firm which will be performing the filming/taping at the locations specified on the attached permit application. I further certify that I and my firm will perform in accordance with the directions and specifications of the City of Wilmington, and that I and my firm will indemnify and hold harmless the City of Wilmington for and from any loss, damage, expense, claims and costs of every nature and kind arising out of or in connection with the filming/taping pursuant to this permit.

Signed: _____

Title: _____

Date: _____

I have read, understand, and agree to abide by the terms and conditions outlined in the direction and this application.

Application completed by:

Name/title: _____

Date: _____

Signature of Authorized Agent

Name: _____

Title: _____

Notary Public

Received By: _____

Date: _____

Fee paid: _____

APPROVED

City Administrator: _____

Date: _____



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PROCEDURES AND STANDARDS FOR COMMERCIAL FILMING AND TAPING

The following guidelines establish the required procedures and standards for use of City streets, rights-of-way, public buildings, and for use of City equipment and personnel, for the filming or taping of movies, television programs, commercial, or training films and for related activities.

The City Administrator may authorize the use of any street, right of way, or building, or the use of any City equipment or personnel, or the filming or taping of movies, television programs, commercials, or training films, or for related activities. The City Administrator may require compliance with any or all of the standards, and payment of the fees, specified herein as conditions on such authorization.

The following stands shall apply to filming and taping, as required by the City.

1. NOTICE TO AFFECTED PROPERTY OWNERS, FIRE PROTECTION DISTRICT, AND ESDA

Prior to any authorization hereunder for any filming or taping, the applicant, shall notify all property owners as indicated below, not less than fourteen days prior to commencement of filming activities in the affected neighborhood about the filming or taping. Property owners, as determined by the Will County Assessor's Office, shall include all properties within two-hundred-and-fifty-feet (250) of each filming or taping location. The notice shall include a short description of the proposed project, the filming or taping schedule, and a notice to the property owner that they may file, within five days of receipt of the notice, a written objection to the office of the City Administrator. The applicant shall file with the City a report indicating the owner's names and property addresses as noted above, as well as the names, addresses and phone numbers as to any reaction received from the property owners. Such report shall be delivered to the office of the City Administrator prior to any authorization hereunder for any filming or taping. No filming or taping shall be allowed in any location where more than one-third of the property owners within the affected neighborhood file written objections to such filming or taping with the City Administrator within five days after receipt of the notice provided hereunder.

The applicant shall also provide written notification, not less than fourteen days prior to commencement of filming activities, to the Wilmington Fire Protection District and the Wilmington Emergency Services Disaster Agency (ESDA). The notice shall include a short description of the proposed project, location or locations to be involved, and the filming or taping schedule

2. CITY CONTROL

The City shall have, and every application hereunder shall acknowledge that the City has full control over the use of City streets and public buildings in the City.

3. RIGHT TO PROHIBIT OR HALT

The City Administrator shall have, and the City reserves the right, to prohibit all filming or to halt any filming in progress if such filming is determined by the City Administrator in his or her sole discretion to pose a threat to the public health, safety or welfare.

4. INSPECTIONS

The City Administrator may require, and every applicant hereunder shall agree to allow, appropriate City officials to inspect any structure or device or equipment used in connection with any filming or taping.

5. HOURS; LOCATION

The City Administrator may prescribe such rules, as he/she deems appropriate and necessary regulating the hours of filming and taping and the general locations of the filming and taping. No filming or taping shall be undertaken between the hours of 9:00 PM and 7:30 AM except with the prior approval of the City Administrator. Only one filming or taping production shall be authorized in the City on any given day.

6. SPECIFIC PERIODS

Every authorization granted pursuant to these guidelines shall be for specific dates and time periods established by the City Administrator. No filming or taping shall exceed six (6) productions or ten (10) production days, whichever is less, in any one location, in any calendar year, except with the prior approval of the City Administrator.

7. REPORT ON VEHICLES AND EQUIPMENT

The applicant shall provide a report listing the number of vehicles and types of equipment to be used during the filming or taping, including the proposed hours of use and proposed parking locations. All such parking locations shall be reviewed and approved by the City Administrator prior to their use.

8. APPLICATION FEE

Every applicant hereunder shall sign the application form provided by the City and submit it to the City, together with a twenty-five dollar (\$25.00) non-refundable application fee, at least four weeks in advance of the desired date for commencement of any filing or taping. The City Administrator may waive this fee for non-profit organizations.

The City will require the filming company to pay a per week administrative/public land use fee of One Hundred Dollars (\$100.00). This fee will be paid in advance in an amount equal to 200% of the company's timetable for working in Wilmington. Upon completion of the filming, the balance of the unused fee will be returned. Payment must be made by check that will be cashed and cleared before filming begins.

9. USE OF CITY EQUIPMENT AND PERSONNEL

The applicant will agree to pay for the costs of any Police, Public Works, or other City personnel assigned to the project (whether specially requested by the producer or not). As it relates to the use of City personnel, applicable fees shall include hourly rates (plus overtime if applicable) as well as proportionate costs for social security, health care, insurance, pension, and other applicable charges.

Fees for use of City equipment, including Police squad cars, shall follow the rates for public equipment as established by the Department of Homeland Security Federal Emergency Management Agency Recovery

Directorate Public Assistance division. The applicant will agree to pay in full, promptly upon receipt of an invoice, the charges incurred.

The City Administrator has the authority to require additional police coverage if it is determined, in consultation with the Police Chief, to be in the best interest for public safety.

10. USE OF CITY PROPERTY

The City Administrator may authorize the use of any street, right of way, or public building, equipment, or personnel for commercial uses in the filming or taping of movies, television programs, commercials, or training films and related activities. In conjunction with these uses, the City Administrator may require that any or all of the conditions and/or remunerations as specified on the application be met as a prerequisite to that use.

Depending upon the extent of the use of City property, the producer agrees to reimburse the city for inconveniences when using public property. Following is the rate schedule:

<u>Item</u>	<u>Fee</u>
Total or disruptive use (regular operating hours) of a Public Building	\$500/day
Partial non-disruptive use of a Public Building	\$250/day
Total closure of public street or right of way	\$50/hour
Partial closure or obstruction of a public street or right of way	\$25/hour

The applicant agrees that the City of Wilmington shall have full control over the use of the public streets and buildings of the City while being used, as well as control over the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming if it is determined, in the opinion of the City Administrator, to be hazardous to the public health, safety and welfare.

11. CERTIFICATE OF INSURANCE

Te producer shall attach a certificate of insurance, naming the City of Wilmington as an additional insured. Minimum General Aggregate shall be not less than \$2,000,000.00, business automobile liability (if applicable) in an amount not less than \$1,000,000.00 combined single limit per accident for bodily injury and property damage. The producer shall also attach proof that that the appropriate worker’s compensation and employer’s liability insurance have been provided for the employees of the filming company.

The City of Wilmington, it officers, employees, agents and representatives shall be named additional insured’s, and the insurance cannot be canceled without at least thirty (30) days advanced written notice to the City. This insurance should provide primary coverage to the City and be in addition to and not in lieu of the Production Company’s indemnification and hold harmless provisions.

Notwithstanding the above, the City reserves the right to consult with its insurance carrier if, in the opinion of the City Administrator, additional insurance coverage may be warranted.

12. HOLD HARMLESS AGREEMENT

The producer shall sign the following hold harmless agreement with the City of Wilmington holding the City harmless from any claims that may arise from their use of designated public property, right of way, or equipment in conjunction with the permitted use:

I certify that I represent the firm that will be performing the filming/taping at the locations specified on the attached permit application. I further certify that I and my firm will perform in accordance with the direction and specifications of the City of Wilmington and that I and my firm will indemnify and hold harmless the City of Wilmington for and from any loss, damage, expense, claims and costs of every nature and kind arising out of or in connection with the filming/taping pursuant to this permit

The applicant shall comply with all of the procedures and standards established in the City's Guidelines for Filming, as interpreted and applied by the City administrator.

Without limiting the foregoing, the applicant shall pay all fees assessed by the City Administrator pursuant to the Guidelines and shall reimburse the City for all costs and expenses incurred by the City related to any filming or taping activity undertaken by the applicant.

The producer or representative shall sign the application and submit it to the City Administrator or his/her designee, for consideration prior to any production activity taking place. The City Administrator or his/her designee shall sign this application only on favorable consideration of the terms herein. If approval is given, a signed copy will be given to the producer or their representative.

13. CREDITS

The resulting film, movie, training film, or television production, shall give credit to the "City of Wilmington, Illinois, its residents and businesses."

14. RIGHT TO PROMOTE AND PUBLICIZE

The City of Wilmington retains the right, following completion of filming activities on the dates and schedules as noted in the application, to promote and publicize the City as a film location

I have read, understand, and agree to abide by the terms and conditions outlined in the direction of this application.

Application completed by:

Name/Title: _____ Date: _____

Signature of Authorized Agent

Name: _____

Title: _____



CITY OF WILMINGTON

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FILMING PERMIT ACKNOWLEDGEMENTS

I have read and will adhere to the attached Procedures and Standards for Commercial Filming and Taping and acknowledge this by my initialing below

1. ____ Notice to Affected Property Owners, Wilmington Fire Protection District, ESDA
2. ____ City Control
3. ____ Right to Prohibit or Halt
4. ____ Inspections
5. ____ Hours; Location
6. ____ Specific Periods
7. ____ Report on Vehicles and Equipment
8. ____ Application Fee
9. ____ Use of City Equipment and Personnel
10. ____ Use of City property
11. ____ Certificate of insurance
12. ____ Hold Harmless Agreement
13. ____ Credits
14. ____ Right to Publicize and Promote

I, _____, (authorized agent of the applicant) have read and agree to adhere to these sections of the attached Procedure and Standards for Commercial Filming and Taping agreement, with the exception of any noted modifications approved by the City Administrator (listed below). I also understand that the flow of traffic will not be impeded upon during peak travel times (rush hour) by any actions associated with the filming process. These peak travel times include but are not limited to 6:30 AM to 8:30 AM, and 4:00 PM to 6:00 PM every weekday. It will be at the City Police Officer's discretion, during these and other times, to allow for reasonable accommodations for the filming crew.

APPROVED EXCEPTIONS/MODIFICATIONS

1. Section 5. HOURS; LOCATION

- a. Applicant will be permitted to start work no earlier than _____ AM on any weekday, and __ AM on any weekend in the residential areas surrounding the property referred to as "X"
- b. Applicant will be permitted to start work no earlier than __ AM on any weekday or _ AM on any weekend in the areas surrounding the properties referred to as "X"

2. Section 9. USE OF CITY EQUIPMENT AND PERSONNEL

The City will provide, at no cost to the applicant, at least one on-site Community Service Officer/Representative during the filming work times. However, if these times of work are significantly altered, then it is at the City Administrator's discretion to add additional officers (the cost of which is to be borne by the applicant) at the prescribed rates noted in the Wilmington Procedures and Standards

Applicant/Permit submitted/completed by:

Name: _____

Title: _____

Date: _____

Dates of Work:

Approved: _____

City Administrator

Date: _____

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PROPERTY OWNER'S APPROVAL FOR FILMING

Date: _____

Filming Company: _____

Filming Company Representative: _____

Filming address: _____

I/We hereby certify that I/we am/are the owner(s) of record of the property located at _____, Wilmington, IL 60481 which will be used for film production. I/We hereby waive any claim against the City of Wilmington arising out of or in connection with the issuance of the film production permit and will indemnify and hold harmless the City of Wilmington for and from any loss, damage, expense, claims and costs of every nature and kind that I/We may incur as a result or in connection with the film production activities pursuant to said permit.

Property Owner/Owners Name / Names (print):

Signature of Property Owner / Owners

(Must be notarized) _____

Subscribed and sworn to before me this _____ day of _____, 20__.

Signature of Notary

(SEAL)



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FILMING PERMIT CODE OF CONDUCT

To Production Companies: The City of Wilmington asks that you please abide by the following guidelines to promote a beneficial relationship between your production crew and the City of Wilmington.

To the Public: If you think the production company is not adhering to the following Code of Conduct, please call the Office of the City Administrator at (815) 476.2175 x 232 or the Wilmington Police Department outside of normal business hours (Monday – Friday, 8:30 AM to 4:30 PM)

1. When filming in a neighborhood or business district, proper notification is to be provided to each merchant or neighbor directly affected by the company (this includes parking, base camps, and meal areas). The filming notice should include: name of company, name of production, kind of production, (e.g. feature film, movie of the week, TV pilot, etc.), type of activity, duration (i.e., times, dates, and number of days), and company contact (first assistant director, unit production manager or location manager).

The Code of Conduct should be attached to the filming notification that is distributed to the neighborhood residences.

2. Production vehicles arriving on location in or near a residential neighborhood should enter the area at a time no earlier than stipulated in the permit, and park one by one, turning off engines as soon as possible. Cast and crew shall observe designated parking areas.
3. Crew members shall wear identification/employee badges at all times while at the location.
4. The removal, moving, or towing of public vehicles is prohibited without the expression permission of the municipal jurisdiction or the owner of the vehicle.
5. Production vehicles should not park or block driveways without the express permission of the municipal jurisdiction or the driveway owner.
6. Cast and crew meals should be confined to the area designated in the location agreement or permit. Individuals must eat within their designated meal area, during scheduled crew meal times. All trash must be disposed of properly upon completion of the meal.
7. Removal, trimming and/or cutting of vegetation or trees is prohibited unless approved by the permit authority or property owner.

8. Proper receptacles must be utilized for all disposal paper goods and utensils used during the course of the working day.
9. All signs erected or removed for filming purposes will be removed or replaced upon completion of a specified location unless otherwise stipulated by the location agreement or permit. All signs posted to direct the company to various locations should be removed at the conclusion of the filming and/or taping.
10. The company should keep noise levels as low as possible.
11. Articles of clothing that do not display common sense and good taste should not be worn by crew members. Shoes and shirts should be worn at all times, unless otherwise directed.
12. Crew members should not display signs, posters or pictures on vehicles that do not reflect common sense or good taste (i.e., pin-up posters, etc.).
13. No trespassing onto adjacent neighbors' or merchants' property is allowed; the Crew members must remain within the boundaries of the property that has been permitted for filming.
14. The cast and crew should not bring guests or pets to the location, unless expressly authorized in advance by the company.
15. All catering, crafts service, construction, strike and personal trash must be removed from the specified location.
16. Designated smoking areas must be observed and cigarettes must be extinguished in appropriate containers.
17. The company should comply at all times with the provisions of the filming permit.
18. Cast and crew must refrain from the use of improper or lewd language within earshot of the general public

DRAFT

AN ORDINANCE CREATING A SANITARY SEWER FATS, OILS, AND GREASES (FOG) DISPOSAL ORDINANCE

WHEREAS, there has been instances where the sanitary sewers of the City have been impacted by the accumulation of fats, oils, and greases from food service establishments to such an extent that public safety was nearly effected; and

WHEREAS, the Illinois Environmental Protection Act authorizes the City of Wilmington, as the owner of a treatment works, to establish a program to register or license the collection and transportation of grease trap sludge from grease traps within the City of Wilmington; and

WHEREAS, the Illinois Environmental Protection Act also authorizes the City of Wilmington to require a specific shipping paper for transport of grease from grease traps within the City; and

WHEREAS, it is necessary for the health and safety of the Citizens of the City of Wilmington that a program be established to monitor the timely cleaning and maintenance of grease traps within the City of Wilmington.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wilmington as follows:

SECTION 1:

That Article 58 of the Wilmington Code of Ordinances be, and hereby is adopted, as follows:

SECTION 1. TITLE, AUTHORITY, AND PURPOSE

1.1 Title. This Ordinance shall be known and may be referred to as "City of Wilmington Sanitary Sewer Fats, Oils, and Greases (FOG) Ordinance".

1.2 Authority. This Ordinance is enacted pursuant to the powers and authorities granted to, and exercised by, the City of Wilmington pursuant to 65 ILCS 5/1-1-1, et seq. and 415 ILCS 5/22.30.

1.3 Purpose. The purpose of this Ordinance is to establish certain minimum reasonable rules and regulations for any food processing, food sales, or food service establishment or user connected to, or applying to connect to, the City sanitary sewer system regarding the collection and disposal of fats, oils, and greases in wastewater, not otherwise required to obtain and hold an Industrial Wastewater Discharge Permit from the U.S. Environmental Protection Agency and/or the Illinois Environmental Protection Agency. This Ordinance also establishes certain minimum reporting requirements for waste haulers in the disposal of fats, oils, and greases wastes. Excessive fats, oils, and greases in wastewater can and does lead to sewer backups and overflows, creating a public health hazard.

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Excessive fats, oils, and greases in wastewater can and does interfere with the wastewater treatment process at publicly-owned wastewater treatment facilities and plants, and pass-through can result in effluent discharges that violate NPDES permit water quality discharge standards.

The substantial investment of public funds in (a) sanitary sewer system(s) and wastewater treatment works and plant(s), designed to protect public health, and the continued and ongoing proper functioning of those public facilities, can and should be protected by reasonable rules and regulations relating to the use and maintenance of grease interceptors in order to aid in the prevention of sanitary sewer blockages and obstructions, and to prevent interference with the proper functioning of the wastewater treatment process, from contributions and accumulation of fats, oils and greases into the sewer systems owned by the City of Wilmington.

SECTION 2. ADMINISTRATION

2.1 General. The Superintendent shall enforce all of the provisions of this Ordinance, and shall act on any questions relating to the design or construction of grease recovery systems or devices, except as may otherwise be specifically provided by statute, or federal or state regulation(s). The Superintendent shall also act as follows:

2.2 Applications, Permits, and Licenses. The Superintendent shall receive applications and issue installation permits and discharge licenses, and collect fees therefore, in accordance with the approved fee schedule (see Appendix A hereto), for the siting and installation of, or the discharge(s) from, grease recovery systems or devices, for all food processing, food sales, and food service establishments as defined herein. The Superintendent shall also review building plans, review grease recovery system(s) design plans, inspect the premises for which such installation permit(s) or discharge license(s) have been issued, and enforce compliance with the provisions of this Ordinance.

2.3 Notices and Orders. The Superintendent shall issue all necessary notices or orders necessary to insure compliance with all Ordinance requirements. The Superintendent may revoke, by writing, any permit, license, or approval issued or held contrary to this Ordinance or based upon a false statement or misrepresentation in an application.

2.4 Authority to Enter Premises. The Superintendent, or his/her authorized agent(s) or representative(s), after identification, shall have the authority to enter any property at any reasonable time to inspect for sanitation purposes and compliance with the provisions of this Ordinance. The Superintendent shall conduct an annual inspection of each FOG producing facility, and such other inspection(s) as may be required. The Superintendent may also make any necessary test, measurement, or sampling to determine compliance with Ordinance requirements. No obstructions shall block the access to any grease trap.

2.5 Credentials. The Superintendent, and his/her authorized agent(s) or representative(s), shall carry proper credentials of their respective office for the purpose of inspecting any grease recovery system or device, or carrying out any other duties or responsibilities, in the performance of his/her duties under this Ordinance.

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SECTION 3. DEFINITIONS The following words, terms, and phrases are hereby defined and shall be interpreted as such throughout this Ordinance.

3.1 Active interior recovery device (AIRD). An active automatic separator and remover of grease, fats and oils from effluent or wastewater discharge that cleans itself of accumulated grease, fats and oils at least once every 24 hours, utilizing an electromechanical apparatus to accomplish removal.

3.2 Clean-out. A pipe that extends from the ground surface to the interior of the passive exterior device (PED), or other grease recovery system device, so as to allow access, maintenance, and inspection of the interior of the device.

3.3 Control manhole. A manhole structure, located downstream of a grease recovery system, designed and constructed to provide access to a sewer pipe or sewer main for sampling and metering commercial wastes discharged to a public sewer. For existing FOG producing facilities, where no control manhole exists or has been installed, the control manhole shall be at the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

3.4 City. The City of Wilmington, Illinois.

3.5 Superintendent. The Superintendent of the City of Wilmington Department of Water Reclamation, or his/her designated agent or representative.

3.6 Drainage Fixture Unit (DFU). A value used to determine the required drainage capacity from the fixtures and their service systems as defined in the Illinois Plumbing Code.

3.7 Effluent Tee-pipe. A Tee-shaped pipe extending from the ground surface below grade into the PED to a depth allowing recovery of water located under the layer of fats, oils, and/or greases to be discharged.

3.8 Exterior grease trap. A grease trap, located outside of the exterior walls of the building or structure, which contains baffles sufficient to allow a proper separation of grease from water.

3.9 FOG. Fats, Oils, and Greases.

3.10 FOG producing facility. A food processing, food sales, or food service establishment, as hereinafter defined.

3.11 Food. Any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use, or for sale, barter, or exchange, in whole or part for human consumption.

3.12 Food processing establishment. A commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary.

3.13 Food sales establishment. A retail and wholesale grocery store(s); retail seafood store(s); food processing plant(s); bakeries; confectionaries; fruit, nuts, and vegetable store(s), and places of business; and, similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off premises.

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3.14 Food service establishment. Any establishment for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts or other edible products. The term includes: restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, catering establishments, food vending vehicles and operations connected therewith, and similar facilities by whatever named called or by whomever operated.

3.15 Grease recovery system. A system of interceptors, separators, traps, or grease recovery devices, which prevents free floating grease, fats and oils from entering the sewage system by recovering and removing these substances from water.

3.16 Grease-laden waste. Effluent discharge that is produced from food processing, food preparation or other commercial source where grease, fats and oils enter automatic dishwasher pre-rinse station, sinks or other appurtenances.

3.17 Grease trap. An interceptor, separator, or recovery vehicle that prevents free-floating grease, fats and oil from entering the sewage disposal system. Also includes a passive interceptor whose rated flow exceeds 50 gallons per minute or minimum storage capacity of 500 gallons or more and which is located outside the building.

3.18 Hauler. A waste disposal firm, licensed by the Illinois Department of Agriculture, that hauls and disposes of fats, oils, and greases wastes as described in this Ordinance.

3.19 Manifest. A log or document record of the hauler name, address, and State license/permit number; and, the volume, date of removal and disposal destination of pumped materials or wastes from a grease trap or other interceptor device. (See, 415 ILCS 5/22.30(d) and (e)).

3.20 Newly constructed. Any new FOG producing facility that has not been issued a final Certificate of Occupancy by the City or municipal building official as of the effective date of this Ordinance.

3.21 Passive exterior device (PED). An oil/water separating container that requires pumping and is housed outside a building or structure. A passive interceptor with no moving parts with a rated flow of greater than 50 gallons per minute.

3.22 Passive interior device (PID). An oil/water separating container that requires normal manual cleaning, by pumping or bailing, and is housed inside a building or structure. A passive interceptor with no moving parts with a rated flow of 50 gallons per minute or less that serves as fixture trap and is located inside a building.

3.23 POTW. Publicly Owned Treatment Works. May sometimes be known or referred to as a sewage treatment plant or wastewater reclamation facility or plant.

3.24 Preferred Waste Hauler. A hauler that has the demonstrated capability to maintain required records, to discharge waste according to all applicable rules and regulations, and is fully licensed to haul FOG waste.

DRAFT

3.25 Pump-and-Return Method. The method of decanting or discharging of removed waste back into the grease recovery system from which waste was removed or to any other grease recovery system or sanitary sewer connection.

3.26 Remodeled. Any facility that requires a building permit to make planned changes to an existing or a new FOG producing facility.

3.27 Significant industrial user. Any FOG producing facility that requires an Industrial Wastewater Discharge Permit, issued by the local POTW pursuant to applicable federal and State laws and regulations.

3.28 Sludge. Any material or solids, either organic or inorganic, that has settled to the bottom of the grease trap.

3.29 Solids transfer/grease recovery device. An active automatic pretreatment device, which macerates coarse solids and separates/recovers free floating grease, fats and oils from effluent. The device cleans itself of accumulated grease, fats and oils at least once every 24 hours, utilizing electromechanical apparatus to accomplish recovery and removal.

3.30 Twenty Five Percent Rule (25% Rule). All grease traps and/or grease interceptors (GI) shall be cleaned based on the 25% Rule.

FOR EXAMPLE: If the total depth (TD) of the PED is 40 inches, the maximum allowable depth (d) of floatable grease and settled sludge equals 40 inches multiplied by 0.25 or $d=TD \times 0.25 = 10$ inches. Therefore, the maximum allowable depth of floatable grease and sludge of the vessel should not exceed ten (10) inches.

3.31 User. Any FOG producing facility, its owner(s) or operator(s), or their agent(s), that contribute to the City wastewater collection system.

SECTION 4. GENERAL REQUIREMENTS

4.1 Existing facilities. Every existing user shall have a grease recovery system. An existing user, serviced by a grease recovery system, that is non-compliant with the technical or design standards of this Ordinance, shall be permitted to continue discharging to the City wastewater collection system provided that the user's FOG discharge, as measured at the control manhole, does not exceed the City daily maximum discharge limit(s), as set forth in Appendix B, and is otherwise in compliance with the current City General Sewer Use Ordinance. The Superintendent may include conditions, restrictions, or performance standards on any existing user discharge license where that user is served by a non-compliant grease recovery system to minimize the risk of discharge(s) exceeding maximum pollutant discharge standards.

4.2 Newly constructed or remodeled facilities. Every newly constructed or remodeled food processing, food sales, and food service establishment(s) (FOG producing facilities) or user(s) that discharge water or wastes to a City sanitary sewer or to a City wastewater reclamation facility shall be required to install, operate, clean and maintain a grease recovery system of appropriate size and design to achieve compliance with requirements of this Ordinance. Each FOG producing facility shall have a control manhole installed and located at a point downstream

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of the grease recovery system. No person shall construct or install a grease recovery system without the prior approval of the Superintendent and issuance of an installation permit. Such approval shall include both the approval of a plan for the proposed grease recovery system construction or installation, and permission to conduct the work required. Upon completion of the work, and approval by the Superintendent, a discharge license shall be issued to the user by the Superintendent. Each user facility shall hold a valid discharge license issued by the Superintendent.

4.3 All users. Each user shall register its grease recovery system with the Superintendent. Each user shall maintain and possess a valid discharge license issued by the Superintendent for each FOG producing facility. The discharge from each grease recovery system, as measured from the control manhole, shall not exceed the City maximum discharge limit(s) as set forth in Appendix B. Discharge license registration information shall include name, address, and telephone number(s) of owner(s) and on-site manager(s), if different; a scale sketch/drawing of the location of the grease recovery system on the FOG producing facility premises; location of the access manhole (and control manhole, if different); the components, design, and size/capacity of the grease recovery system; and such other information as may be applicable.

4.4 System Maintenance.

4.4.1 General. All grease recovery systems, both existing and new, shall be maintained in a safe and sanitary condition, and in good working order, so that any discharge therefrom, as measured from the control manhole, does not exceed the City daily maximum discharge limit(s).

4.4.2 Maintenance Responsibility. The owner(s), or the owner(s) and any designated agent(s) shall be responsible for the maintenance of the grease recovery system for a FOG producing facility at all times. All costs and expenses relating thereto shall be the responsibility of the owner(s).

4.4.3 Maintenance Requirements.

- (a) All users shall maintain any grease recovery system so that the fats, oils, and grease discharge therefrom, as measured from/at the control manhole, does not exceed the City daily maximum discharge limit(s).
- (b) All grease traps, and all other grease recovery systems, shall have all floating material removed at a minimum of 90 days. All grease traps, and all other grease recovery systems, shall be completely pumped out semi-annually, or when the contents of the trap exceed the 25% Rule. Semi-annual maintenance, and maintenance due to exceeding the 25% Rule, shall include the complete recovery of all contents, including floating materials, wastewater and bottom sludge and solids. The frequency of maintenance may be increased to comply with the City daily maximum discharge limit(s) or the manufacturer's recommendation. The frequency of removal shall be as often as necessary to prevent overflows of fats, oils, and greases entering into the City wastewater collection system.
- (c) The Pump-and-Return Method of decanting or discharging of removed waste back into the grease recovery system is prohibited.

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- (d) Any removal and hauling of fats, oils, and greases shall be performed by a waste disposal or rendering firm licensed by the State of Illinois.
- (e) If any grease recovery system discharge wastes fail to meet the City daily maximum limit(s), the Superintendent is authorized to demand or order the user to repair, replace, or upgrade its grease removal system, at the sole expense of user.

4.4.4 Maintenance Records. Each user, at each FOG producing facility, shall maintain an accurate and complete record of all cleaning(s) or maintenance of its FOG producing facility grease recovery system. The following records shall be kept on-site at the FOG producing facility.

- (a) Haulers. The hauler shall provide the user, at the time of service, a manifest conforming to all State statutes and regulations (see, 415 ILCS 5/22.30(e)), and the provisions of this Ordinance.
- (b) Manifest(s). The removal of grease recovery system contents shall be recorded on a manifest that identifies the pumping, hauling and disposing of the wastes.
- (c) Manifest Information. Each manifest shall contain the following information, and such other information as may be required by statute: (1) User information, including name, address, the volume or weight of waste pumped from each grease recovery system, and date and time of the pumping; (2) Hauler information, including company name, address, State license/permit number, and disposal/receiving facility location information; (3) Receiving facility information, including the facility name and address, date and time of receiving, and EPD number.
- (d) Manifest/Maintenance log. The owner(s) of each FOG producing facility shall maintain, and keep available on the premises, a continuous log of manifests (and other similar record(s)) regarding each cleaning or maintenance of the grease recovery system for the previous 24 months. The log shall be kept on the FOG producing facility premises in a location where the log is available for inspection or review by the Superintendent, or his/her designated agent(s) or representative(s).
- (e) Preferred Waste Hauler. The owner may employ a preferred waste hauler approved by the City. The preferred waste hauler would provide the City with the required manifest and maintenance information for the owner, which would allow the owner to be compliant with maintaining maintenance records.

SECTION 5. GREASE RECOVERY SYSTEMS - DESIGN AND PERFORMANCE STANDARDS

5.1 Where required. A registered grease recovery system(s) shall be operated and maintained, or installed, in each FOG producing facility that discharges into the City wastewater collection system. Each FOG producing facility shall have a control manhole.

5.2 Technology required. An approved grease recovery system shall consist of one or a combination of the following methods:

5.2.1 Passive technology that is an approved exterior grease trap. See attached Appendix C for an approved Grease Trap: Standard Detail 1000 Gallon.8

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5.2.2 Active technology including:

- (a) An approved grease recovery device; or
- (b) An approved solids transfer/grease transfer device.

5.3 Prohibited discharge. Waste that does not contain grease, fats or oils and that otherwise does not require grease separation treatment shall not be discharged into the grease recovery system. Wastewater from dishwasher machines or wastewater that otherwise exceeds 150 degrees Fahrenheit shall not be introduced into any grease recovery device. Food-waste grinders shall not discharge into the building drainage system through a grease trap or grease recovery device.

5.4 High Temperature Dishwasher Discharge. Wastewater that exceeds 150 degrees Fahrenheit is prohibited from being discharged into the City wastewater collection system.

5.5 Dumpsters/dumpster pads. Dumpsters/dumpster pads may be allowed to connect to the wastewater collection system under the following conditions:

5.5.1 The dumpster/dumpster pad is covered and constructed to protect the drainage connection from storm water runoff; and

5.5.2 The drain is connected to an exterior grease trap of at least 1000 gallons, which will be maintained by the user in the method prescribed by this section for other exterior grease traps.

5.6 Passive exterior device (PED) requirements.

5.6.1 Each PED, or other grease recovery system device, design including size, type and location shall be reviewed and approved by the Superintendent in substantial conformity to a grease trap detail as follows:

- (a) Shall be sized and engineered based upon the anticipated load and/or conditions of actual use.
- (b) Shall be constructed of sound, durable material, not subject to excessive corrosion or decay, and shall be water and gas tight if PEDs are of precast or poured-in-place concrete.
- (c) Shall be traffic-worthy with accessibility to both the influent and effluent tee pipes.
- (d) Shall contain baffles sufficient to allow a proper separation of grease from water.
- (e) Shall be a minimum of 500 gallons and a maximum of 3,000 gallons in size. Multiple PEDs, or other approved grease recovery devices, are allowed.

An example of approved PED detail for a 1000 gallon grease recovery system is provided in Appendix C.

5.7 Passive interior devices (PIDs). PID volume shall be credited towards the total PED capacity.

5.8 Sizing of PEDs.

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5.8.1 All PEDs shall have a minimum capacity of 500 gallons and a maximum capacity of 3000 gallons. The design shall be in compliance with the following table, where the total number of Drainage Fixture Units determine the grease trap size:

Number of Drainage Trap Fixture Units (DFUs)	Minimum Grease Trap Size in Gallons
8	500
9-21	750
22-35	1000
36-90	1250
91-172	1500
173-216	2000
217-307	2500
308	3000

5.8.2 The inlet chamber of the vessel shall incorporate an open sanitary-tee, which extends equal to or greater than 12 inches below the water surface. The outlet chamber of the vessel shall incorporate an open sanitary-tee that extends two-thirds below the water surface. The sanitary-tees (both inlet and outlet) shall not be capped, but opened, to allow visual inspection of the waste stream.

5.9 Exemptions to Sizing PEDs. Food service establishments that serve 18 or fewer meals per day, or serve only continental breakfast, may be granted an exemption from the sizing requirements for PEDs listed in 5.8.

5.10 Active interior recovery device requirements. AIRDs may be allowed in lieu of PEDs or other approved grease recovery system devices in accordance with the following conditions:

5.10.1 The method of food preparation involves and/or creates little or no discharge of grease; or

5.10.2 A technically logistical reason exists as to why an exterior grease trap cannot be installed (i.e., conflicts with existing utilities, elevation disparities or location on a second floor).

5.10.3 The installation or use of all grease recovery devices must be approved by the Superintendent.

5.10.4 Grease recovery devices shall receive all grease-laden waste discharge from the major point sources. A floor drain shall not be considered a major point source.

5.10.5 Grease recovery devices shall be sized based upon the anticipated load and/or conditions of actual use and manufacturer's recommendation

SECTION 6. ALTERNATIVE METHODS AND TREATMENT AGENTS

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6.1 Alternative technology/methods. Engineered alternative technology or methods may be permitted, provided the technology or method meets the minimum performance standards set forth by this Ordinance.

6.2 Biological or chemical treatment agents. The use of biological or chemical agents that dissolve grease to permit it to be discharged into the sanitary sewer is not permitted.

SECTION 7. PERMITS AND LICENSES, PROCEDURES, INSPECTIONS, AND FEES

7.1 Permits and Licenses ó General. Installation permits and discharge licenses issued under this Ordinance are not transferable.

7.1.1 Installation Permits. An installation permit shall be required for all newly constructed FOG producing facilities, all remodeled FOG producing facilities, and for the replacement of any existing grease recovery system. Repairs to a grease recovery system with a valid discharge license, issued by the Superintendent, do not require an installation permit. An installation permit shall be valid for a 365 day period following issuance.

7.1.2 Discharge Licenses. A discharge license, required for each FOG producing facility, shall be valid for a 5 year period following the date of issuance. Renewal of a discharge license shall be in accordance with a registration application provided by the Superintendent. Each user shall keep and maintain a valid, current discharge license issued by the Superintendent as one of the documents in the manifest/maintenance log required to be kept on the FOF producing facility premises.

7.2 Procedures

7.2.1 Applications. The Superintendent is authorized to prepare application forms as may be required for applications to obtain installation permits and discharge licenses, or renewals thereof. The Superintendent is authorized to establish any minimum submittal requirement(s) to accompany any such applications or renewals. Any refusal to issue a permit or license, where the applicant has submitted a complete permit or license application, shall be in writing and shall specify any and all reason(s) for non-issuance.

7.2.2 Authority to Revoke. Where the Superintendent finds that a permit holder or licensee is not in compliance with any provision(s) of this Ordinance or is in violation of any provision(s) of this Ordinance, following issuance of a Notice of Ordinance Violation and continued non-compliance or continuing violation(s) by the permit holder or licensee, or its/their agent(s), the Superintendent may revoke such permit(s) or license. Any revocation of a permit or license by the Superintendent shall be in writing and shall specify any and all reason(s) for such revocation. Any construction work or wastewater discharge subject to, or covered by, a revoked permit shall immediately cease, and no construction or installation work or wastewater discharge shall occur or be allowed until such time as a new permit or license has been applied for, and all fees, charges and costs have been paid by the owner(s), permit holder or licensee, and the Superintendent has issued a new permit or license.

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7.2.3 Appeals. The Superintendent is authorized to establish fair administrative rules of procedure that shall apply in all appeals to the Superintendent any decision to not issue a permit or license or to revoke a permit or license. Any such appeal may be filed only by the permit applicant or licensee, or person or entity that previously held the revoked permit or license. Any such appeals shall be filed with the Superintendent.

7.3 Inspections.

7.3.1 Annual Inspections. The Superintendent, or his/her designated agent(s) or representative(s), shall make or conduct an annual inspection, and such other or additional inspections as the Superintendent may deem necessary, of each FOG producing facility to evaluate and enforce compliance with the provisions of this Ordinance.

7.3.2 Newly constructed or remodeled FOG producing facilities, and grease recovery system replacement, inspections. The Superintendent, or his/her authorized agent(s) or representative(s), shall make or conduct those inspections deemed necessary by the Superintendent to assure compliance with installation permits issued. These inspections shall, at a minimum, consist of an initial or in-progress construction or installation site inspection, and a final inspection following completion of the permitted installation.

7.3.3 Follow-up Inspections. A user charged with a Notice of Ordinance Violation (NOV), issued by the Superintendent, shall be inspected at any time within thirty (30) days of the date of NOV issuance. Subsequent re-inspection(s) may occur at any time for as long as the user is non-compliant under the original NOV. The user shall be responsible for payment of a re-inspection fee for all re-inspections in accordance with the approved fee schedule, attached as Appendix A.

7.3.4 Demand Inspections. Any time a sanitary sewer overflow (SSO) or blockage occurs at or downstream of a FOG producing facility, a demand inspection shall be made or conducted by the Superintendent, or his/her designated agent(s) or representative(s). If the user or FOG producing facility is found to be in violation of any provision of this Ordinance, and that violation(s) caused or resulted in the SSO or blockage, the user shall be responsible for the payment of the demand inspection fee, as well as the labor, equipment, and material cost(s) to correct the SSO or blockage, in accordance with the approved fee schedule, attached as Appendix A.

7.4 Fees. The user shall be responsible for the payment of all fees for permits, licenses, and inspections, and for all other charges as may be imposed by this Ordinance, in accordance with the current City Council approved fee schedule, attached hereto as Appendix A.

SECTION 8. EMERGENCIES

8.1 Emergencies ó Whenever an emergency exists, which requires immediate action to protect public health or safety, or public or private property from damage or destruction, the Superintendent may, without any administrative notice or procedure, issue an order or seek an injunction to require that such action be taken as may be deemed necessary to meet the

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emergency. Notwithstanding any other provision of this Ordinance, such order or injunction shall be effective immediately.

SECTION 9. FINES, ENFORCEMENT - PENALTIES / REMEDIES

9.1 Enforcement Officer ó All sections of this ordinance may be enforced by the Superintendent of the City of Wilmington Public Works Department, Superintendent of the City of Wilmington Water Reclamation Department, or the designee of any of the above.

9.2 Fines ó Any person or user who violates any provision or section of this Ordinance shall be subject to a fine as authorized by the City of Wilmington Ordinances or by statute of the State of Illinois. Each violation of a provision or section of this Ordinance shall be a separate offense and subject to a separate fine. Each day that a violation exists or continues shall be considered a separate offense. Any fine or fines for these separate offenses shall be assessed in accordance with applicable ordinances or State statute.

9.3 Warning of Ordinance Violation ó The Enforcement Officer, as defined in section 9.1, shall have the authority to issue a Warning of Ordinance Violation when an individual has been found to be in violation of any Section of this Ordinance. The Warning shall, at a minimum, identify the violation for which it is being issued, shall include the address in which the violation has occurred, shall require the violator to cease the violation(s) or abate the violation(s) within a reasonable time for the performance of any act it requires, and shall state that a Notice of Ordinance Violation may be issued if the Warning is not adhered to as specified.

9.4 Notice of Ordinance Violation ó If an individual has previously been issued a Warning of Ordinance Violation and the individual fails to abate the violation by the date specified in the Warning, the Enforcement Officer shall have authority to issue a Notice of Ordinance Violation. If Administrative Adjudication is found to be the appropriate remedy to resolve the violation, the Notice must be served in accordance with and shall contain all information specified and required in the City of Wilmington Adjudication Ordinance. Prior to the hearing date documented on the Notice of Ordinance Violation, the Respondent may elect to abate or cease the violation for which the Notice of Ordinance Violation was issued, pay the fine listed on the Notice of Ordinance Violation, and not participate in the hearing.

9.5 Injunctive Relief ó The Superintendent may, at his or her sole discretion, take any available legal action necessary to prevent or to remedy any violation, including but not limited to appropriate equitable or injunctive relief or discontinuation of wastewater treatment service to the FOG producing facility.

9.6 Service Charges ó In addition to Section 9.2 above, any sewer or manhole overflow, or sewer back-up, resulting from (a) violation(s) of any provision or section of this Ordinance, or an inadequately operating grease recovery system, or lack of an approved grease recovery system, shall result in the imposition of a service charge to the responsible owner(s) or user(s). The service charge shall include the cost(s) of cleaning up the overflow or back-up (at cost or at the rates as established in the then current City fee schedule in Appendix A hereto), and the cost(s) of cleaning the blockage out of the immediately adjacent City wastewater collection system.

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Imposition of (a) service charge(s) under this Section 9.6, shall not preclude other enforcement action(s). In addition, the responsible person or user shall be responsible for payment of any fine or penalty levied by the Illinois Environmental Protection Agency against the City as a result of any overflow or blockage in the City wastewater collection system or any NPDES permit discharge violation attributable to the person or user that violates any provision or section of this Ordinance, or has an inadequately operating grease recovery system, or lacks an approved grease recovery system.

SECTION 10. OTHER

10.1 Separability. The provisions of this Ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

10.2 Other law. This Ordinance is not intended to repeal or replace any existing statute, regulation, ordinance or law which may have been adopted prior to the effective date of this Ordinance. The provisions of this Ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare. Whenever a provision of this Ordinance and any other law or regulation overlap or are contradictory, the more stringent shall prevail. Compliance with this Ordinance does not release applicant, owner, or user from compliance with the requirements of any other applicable federal, State, or local law or regulation.

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APPENDIX A

The following schedule of fees shall apply for the City of Wilmington Fats, Oils, and Greases (FOG) Disposal Ordinance, effective March 1, 2015.

Discharge license (5 years term)	í í í í í í í í í í	\$100.00
Installation Permit	í í í í í í í í í í í í í í í .	\$100.00
Construction (in progress) inspection	í í í í í í í ...	\$ 50.00
Construction, final approval inspection	í í í í .í í ...	\$ 50.00
Annual inspection	í í í í í í í í í í í í í í í .	No charge
Follow-up inspection(s), after NOV issued	í í í í í ..	\$ 500.00
Demand inspection fee	í í í í í í í í í í í í í .	\$ 500.00
Service charge fee ó for sewer blockage(s) or SSO		
Labor/hr., each LCPW employee	í í í í	\$ 60.00/hour
Equipment/hr.	í í í í í í í í í í í í í .	\$ 100/hour
Materials	í í í í í í í í í í í í í í í .	Actual cost
Outside (independent) contractors	í í í í í .	Actual cost

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APPENDIX B

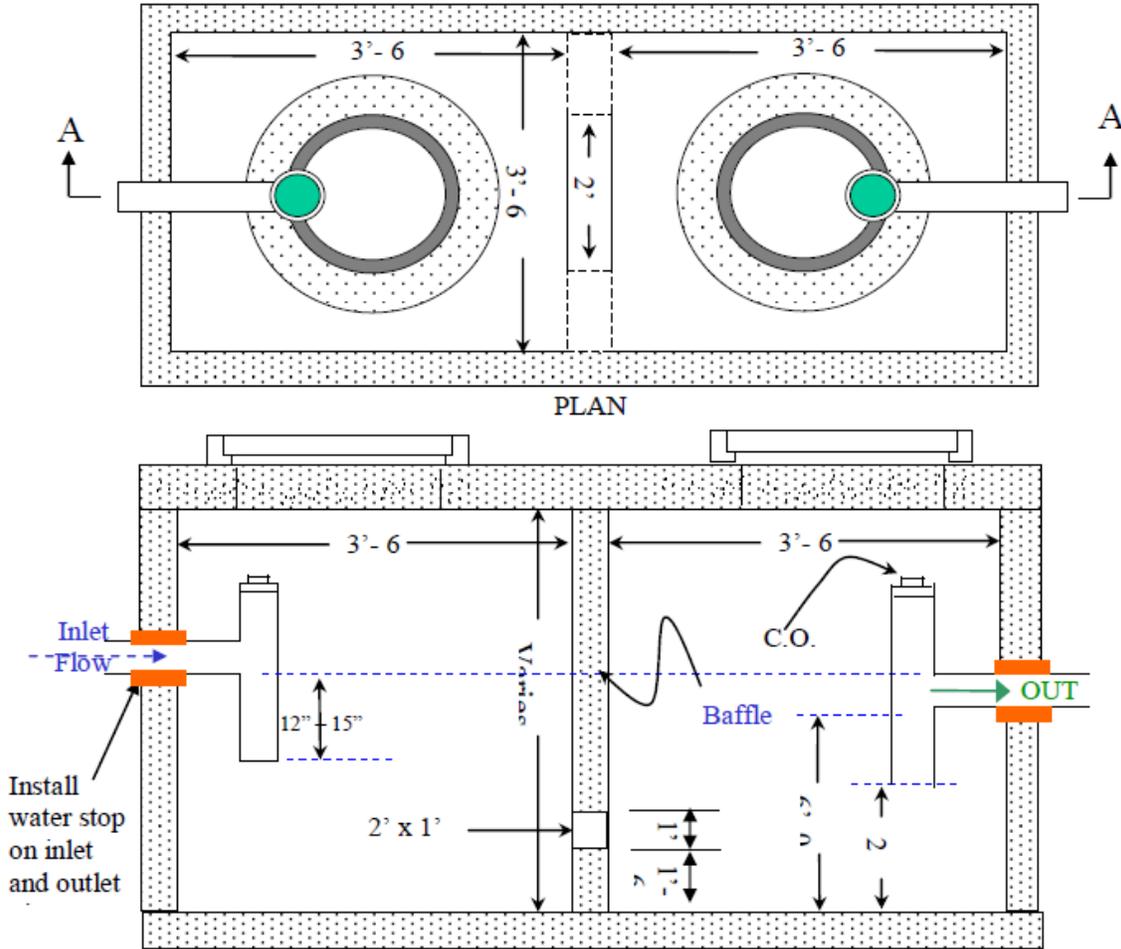
City of Wilmington wastewater maximum discharge limit(s):

Fats, Oils, and Greases í í í í í í í ..í .. 100mg/liter
pHí 5.5 to 9.5
Temperatureí í í does not exceed 150 degrees Fahrenheit

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APPENDIX C

Grease Trap: Standard Detail 1000 Gallon



SECTION A-A

Neenah R-1772 Frames & Seal Tight Lids with recessed pick hole. Frames shall be embedded in mortar and placed in the center of the trap. Size: Minimum 1000 gallon capacity shall be 1000 gallon holding capacity Interior minimum Length of each compartment 42" x Interior minimum Width 42" x 6 ft Deep. Depth shall be measured from the bottom of the outlet pipe to bottom of grease trap. Location: Outside and easily accessible for cleaning and inspection.

Interior piping and Tee's shall be PVC SDR 26 or thicker.

Baffle runs from floor to ceiling with a 1ft high x 2ft wide slot placed in the center of the baffle located 18 inches above the floor. Baffle may be constructed out of concrete, fiberglass or plastic

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provided it is suitable for continuous submersion. Manufacture is responsible for structural adequacy of the grease trap for each application.

SECTION 2: SEVERABILITY

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its passage and approval and publication in the manner required by law.



City of Wilmington
Department of Water Reclamation
 Darin Fowler
 Superintendent

601 E. Kankakee River Drive
 Wilmington, IL 60481
 Phone: 815-476-5663
 Fax: 815-476-3107

FATS, OILS & GREASE (FOG)
GREASE TRAP SERVICE REPORT

License Number _____

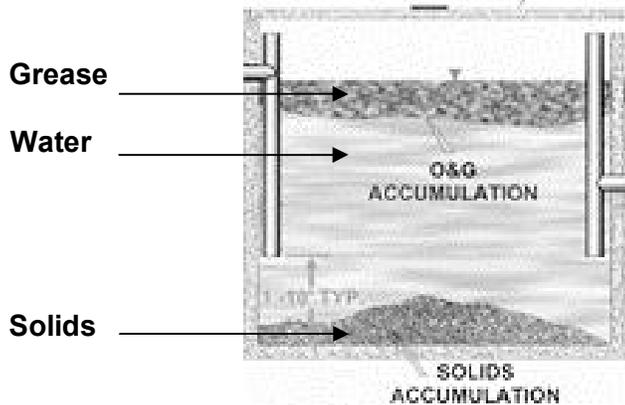
1. Facility Name: _____

Address: _____

City: _____ State: _____ Zip: _____

2. Haulers Manifest No. _____

3. Trap Measurements (25% Rule)



$$\begin{array}{r} \boxed{} + \boxed{} = \boxed{} \quad (M) \\ \text{Depth of Grease} \quad \text{Depth of Solids} \quad \text{Total} \\ \boxed{} \times \boxed{0.25} = \boxed{} \quad (P) \\ \text{Depth of Trap} \quad \text{25\%} \end{array}$$

If M is greater than P. Trap must be pumped out.

4. Service Method:

- Full Complete Pump Out
- Skimmed removing all surface grease

5. Gallons Removed and Transported: _____

6. Grease Trap Condition:

- Fully Functional
- In Need of Repair If checked use reverse side to provide details.

7. Additional Comments: If checked use reverse side to provide details.

8. **Certification:** I hereby certify that all information provided herein is true and correct to the best of my knowledge and belief, and that the interceptor servicing this establishment is cleaned of residual fats, oils, grease and other solid materials.

 Waste Hauling Company Name

 Signature of Person Performing Maintenance

 Date of Service

Complete this form & mail to the above listed address within 72 hours of completion of service. Failure to comply with FOG requirements may result in unannounced follow-up inspection of the facility and inspection fees as appropriate.

