

1. Agenda

Documents: [GOVERNMENT SERVICES APRIL 22, 2013 AGENDA.PDF](#)

2. Ordinance

Documents: [ORDINANCE 13-21 COMMUNITY DEVELOPMENT ENFORCEMENT OF ORDINANCES COMBINED.PDF](#)

3. Ordinance

Documents: [ORDINANCE 13-24 AUTHORIZE ALCOHOLIC LIQUOR ON CITY PROPERTY.PDF](#)

**CITY OF BATAVIA**  
100 N. Island Ave., Batavia, IL 60510  
(630) 454-2000 <http://www.cityofbatavia.net>

**GOVERNMENT SERVICES COMMITTEE AGENDA**

Monday, April 22, 2013

7:30 p.m. – City Council Chamber 1<sup>st</sup> Floor

1. Roll Call
2. Items Removed/Added/Changed
3. Ordinance 13-21 Authorizing Community Development Department to Enforce Certain Ordinances and Code Provisions (Scott Buening 4/12/13)  
**VOTE\_\_\_\_\_CONSENT\_\_YES\_\_\_NO**
4. Ordinance 13-23 An Ordinance accepting Bond Order and confirming sale of General Obligation Refunding Bonds, Series 2013, of the City of Batavia, Kane and DuPage Counties, Illinois, and amending and superseding a certain previous ordinance. (Peggy Colby ) **VOTE\_\_\_\_\_CONSENT\_\_YES\_\_\_NO**
5. Ordinance 13-24 Authorizing Alcohol Sales and Consumption on Certain City Property at Certain Times in Conjunction with Authorized and Issued Liquor Licenses Pursuant to Title 3 Chapter 3 of the Batavia Municipal Code (WRM 4/18/13) **VOTE\_\_\_\_\_CONSENT\_\_YES\_\_\_NO**
6. Discussion: Committee of the Whole (WRM)
7. Closed Session: Personnel
8. Project Status Update
9. Other
10. Matters From The Public
11. Adjournment

Dietz, Chair  
Sparks, Vice-Chair  
Liva  
Tenuta  
Chanzit  
Thelin Atac  
Stark

# CITY OF BATAVIA

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**DATE:** April 12, 2013  
**TO:** Government Services Committee  
**FROM:** Scott Buening, Community Development Director  
**SUBJECT:** Ordinance 13-21 Authorizing Community Development Department to Enforce Certain Ordinances and Code Provisions

## Background

The Community Development Department regularly is charged with enforcing certain City Ordinances, particularly as they relate to Building, Zoning and Property Maintenance Codes. The enforcement process involves initially notifying violators either verbally or in writing. Violations which continue then are taken into the Administrative Adjudication process. While this can be an effective way to achieve compliance, it is also a process that can be cumbersome and lengthy. It can often take several months to achieve the desired result.

## Analysis

A more effective way for enforcement is the issuance of local ordinance violation ticket. These are issued in person or by mail and require the violator to pay fines similar to the format of a parking ticket. Typical procedures would involve issuance of a minimal fine (say \$50.00) for a first offense, with fines escalating for repeated or continued violations. Adjudication would take place after several tickets have been issued. This becomes a much quicker way to encourage violators to come into compliance, whereas the Adjudication process can take several months to come to resolution. This becomes a more efficient and effective way to bring violators into compliance with the ordinance being violated.

The attached Ordinance has been drafted by the City Attorney and would give the Community Development Department the ability to enforce several sections of the Municipal Code. As the Code Compliance division is often called on to help with other departments in enforcing Ordinances, this change would be the tool needed to better accomplish those requests. The Ordinance would allow Community Development to enforce Ordinances such as Building Codes, the Zoning and Subdivision Ordinances, construction within the City rights-of-way, nuisances, trash collection and open burning, among others. It would expressly not give Community Development the ability to enforce moving violations other than parking violations.

## Recommendation

Staff recommends that the Committee vote in favor of Ordinance 13-21 Authorizing the Community Development Department to Enforce Certain Ordinances and Code Provisions.

### Attachment:

1. Ordinance 13-21 Authorizing the Community Development Department to Enforce Certain Ordinances and Code Provisions.

Cc: Mayor & City Council  
City Administrator  
City Attorney  
Press  
File

CITY OF BATAVIA, ILLINOIS  
ORDINANCE 13-21

AUTHORIZING THE COMMUNITY DEVELOPMENT DEPARTMENT TO  
ENFORCE CERTAIN ORDINANCES AND CODE PROVISIONS

ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
\_\_\_\_ DAY OF \_\_\_\_\_, 2013

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This \_\_\_\_ day of \_\_\_\_\_, 2013

Prepared by:  
Kevin G. Drendel  
City of Batavia  
100 N. Island Ave.  
Batavia, IL 60510

CITY OF BATAVIA, ILLINOIS  
ORDINANCE 13-21

AUTHORIZING THE COMMUNITY DEVELOPMENT DEPARTMENT TO  
ENFORCE CERTAIN ORDINANCES AND CODE PROVISIONS

**WHEREAS**, Community Development Department is involved with the issuance of building permits and oversight of the development of property and construction of buildings, the inspection of properties, administration and oversight of zoning matters, property maintenance issues, and other matters that involve the application, enforcement and compliance with various provisions of the Batavia Municipal Code; and

**WHEREAS**, Community Development Department has not been expressly given the authority to enforce Code compliance and to issue and process tickets for violations of City Code provisions; and

**WHEREAS**, it is in the best interests of the City to grant such code enforcement authority for certain of the provisions of the Batavia Municipal Code to the Community Development Department.

**NOW THEREFORE, BE IT HEREBY ORDAINED** by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

**SECTION 1.** The Community Development Department is hereby granted the authority to enforce the various provisions of the Batavia Municipal Code and ordinances related to business licensing, construction, property conditions, property maintenance, building regulations, zoning, signage, subdivision control and similar provisions of the Batavia Municipal Code and ordinances, including the following provisions:

Title 3 (Business and License Regulations)

Title 4 (Health and Sanitation)

Chapter 4 (Nuisances)

Chapter 5 (Solid Waste Collection and City Curbside Collection Programs)

Chapter 6 (Water Pollution)

Chapter 7 (Open Burning)

Chapter 8 (Smoking in Public Places)

Title 6 (Motor Vehicles and Traffic) Chapter 6 (Parking, Stopping, Standing)

Title 7 (Public Ways & Property)

Chapter 1 (Streets & Sidewalks)

Chapter 2 (Forestry)

Chapter 4 (Construction of Utilities in Right-Of-Ways)

Title 9 (Building Regulations)

Title 10 (Zoning)

Title 11 (Subdivision)

**SECTION 2.** The authority given to the Community Development Department to enforce the various provisions of the Batavia Municipal Code and ordinances shall not include any traffic or vehicular moving regulations, regulations relating to the public peace, morals and decency, theft, damage to property, trespass, fire hazards, gambling, alcohol or drug offenses, truancy, curfew and other provisions that do not relate to the maintenance, construction, development, use and control of real property.

**SECTION 3.** As of the effective date of this Ordinance, the Community Development Department shall have the authority to inspect property, issue warnings, write administrative adjudication and/or ordinance violation tickets and carry on other activities related to the enforcement of the various code provisions and ordinances that are within the authority of the Community Development Department to oversee, administrate and enforce.

**SECTION 4.** This Ordinance shall be in full force and effect upon its presentation, passage and publication according to law.

**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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Jeffery D. Schielke, Mayor

CITY OF BATAVIA, ILLINOIS ORDINANCE 13-21

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Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Stark				
5	Frydendall					Thelin-Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

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Heidi Wetzel, City Clerk

# CITY OF BATAVIA

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**DATE:** April 18, 2013  
**TO:** Government Services Committee  
**FROM:** Bill McGrath, City Administrator  
**SUBJECT:** Ord. 13-24 Adding Albright Theater to List of City Properties at Which Alcohol may be Served

Attached is Ordinance 13-24, which is formally entitled:

Authorizing Alcohol Sales and Consumption on Certain City Property at Certain Times in Conjunction with Authorized and Issued Liquor Licenses Pursuant to Title 3 Chapter 3 of the Batavia Municipal Code

Very recently the Council passed a new comprehensive Liquor Code. In conjunction with that, it passed an ordinance that listed the several City properties upon which liquor could be sold/serve with a license. Staff suggested that the ordinance would be fine-tuned over time; the priority was getting the Code in place for current holders.

One week ago we were approached by a liquor license holder who is negotiating an arrangement with the Albright Theatre by which it could put together dinner/theatre packages, but also the sale of wine at the shows on the City Hall third floor. I checked with the City Attorney, as I was under the impression that there were some restrictions on City Halls, but he advises that there are none, but the property must be included on the list.

In the interest of the theatre's success as well as yet another economic development device to be used downtown, the attached ordinance has been drafted.

As there is a requirement for an existing license, insurance cover for the City, and training, staff does not see any reason to not expand the property list. This ordinance does not authorize the actual sale or service; it just makes it possible, and the actual operation will be reviewed by the Mayor as Liquor Commissioner and Police before granted.

This matter will be on the Government Services agenda for Monday, April 22, 2013.

Please call with any questions. Thank you.

Bill McGrath

attachment: Ord. 13-24

c: Mayor & City Council  
City Council Elect  
Department Heads  
Batavia MainStreet

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 13-24**

**AUTHORIZING ALCOHOL SALES AND CONSUMPTION ON CERTAIN CITY  
PROPERTY AT CERTAIN TIMES IN CONJUNCTION WITH AUTHORIZED AND  
ISSUED LIQUOR LICENSES PURSUANT TO TITLE 3 CHAPTER 3 OF THE BATAVIA  
MUNICIPAL CODE**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 2013**

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ISSUED LIQUOR LICENSES PURSUANT TO TITLE 3 CHAPTER 3 OF THE  
BATAVIA MUNICIPAL CODE**

**WHEREAS**, the Mayor and the City Council have determined that it is in the best interests of the City to encourage and provide for community events; and,

**WHEREAS**, the City has the authority to authorize the sale and consumption of alcoholic liquor on certain City owned property in keeping with the State Liquor Code and the City Liquor Code for events allowed by the City; and,

**WHEREAS**, the Mayor and the City Council further find that the best interests of the City and the community shall be advanced conditioning and controlling the sale and consumption of alcoholic liquor on City property in order to allow traditional and other community events while also protecting public health, safety and welfare.

**NOW THEREFORE, BE IT HEREBY ORDAINED** by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

**SECTION 1.** No alcoholic liquor shall be sold or consumed and no open containers of alcoholic liquor shall be possessed on any property owned by the City except as provided in Title 3 Chapter 3 of the Batavia City Code (Liquor) and in keeping with this Ordinance.

**SECTION 2.** As of the effective date of this Ordinance, the only City owned property on which alcoholic liquor may be sold or consumed and open containers of alcoholic liquor may be possessed are as follows (hereinafter “City Event Properties”):

- A. City-owned portions of what is commonly known as the Batavia Riverwalk property;
- B. City Hall (outside **and the Albright Theater (Third Floor South inside)**);
- C. Baptist Church property (outside);
- D. River Street (from Wilson Street north to Spring Street);
- E. City parking lots on State Street and River, upper and lower levels; and
- F. Sidewalks on which an approved adjunct outdoor license has been issued

**SECTION 3.** No alcoholic liquor may be sold, consumed or possessed inside any City buildings at any time for any reason, **except as delineated herein**.

**SECTION 4.** Alcoholic liquor may be sold and consumed and open containers of alcoholic liquor may be possessed on City Event Properties only as follows:

- A. Pursuant to the terms and conditions of validly issued temporary liquor license(s);

CITY OF BATAVIA, ILLINOIS ORDINANCE 13-24

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- B. During events that are sponsored or co-sponsored or otherwise authorized by the City to take place on City Event Property;
- C. On the specific City Event Property and in the specifically designated area(s) on the specific City Event Property that is identified in the liquor license(s) issued;
- D. During the hours for which the temporary liquor license(s) is/are issued.

**SECTION 5.** This Ordinance repeals and replaces Ordinance 13-14 and shall be in full force and effect upon its presentation, passage and publication according to law.

**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2013.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Jeffery D. Schielke, Mayor

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Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	0 Absent	0 Abstentions					
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ATTEST:

\_\_\_\_\_  
Heidi Wetzel, City Clerk

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ORDINANCE 13-24**

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