

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Timothy Sexton, Acting Village Manager

DATE: January 7, 2014 (B of T) Date: January 16, 2014

TITLE: PC 13-19; Text Amendment to the Zoning Ordinance – Attention Getting Devices

SUBMITTED BY: Department of Community Development *ML*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing the following text amendments to the Sign Ordinance (Section 153 of the Code of Ordinances):

- 1) An amendment to Section 153.602, Rules and Definitions, (and any other relevant sections for clarity) to add a definition for feather signs;
- 2) An amendment to Section 153.209, Attention-Getting Devices; and
- 3) An amendment to Section 153.237 (A), (C), (D), and (E), Temporary Signs.
(DISTRICTS - ALL)

The Plan Commission recommended approval by a 4-2 vote of the proposed text amendments.

Staff requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ Date _____



MEMORANDUM

TO: Timothy Sexton, Acting Village Manager

FROM: William J. Heniff, AICP
Director of Community Development *WJH*

DATE: January 16, 2014

SUBJECT: **PC 13-19; Text Amendment to the Zoning Ordinance – Attention Getting Devices**

Please find the following items for Village Board consideration as part of the January 16, 2014 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 13-19; and
3. An Ordinance granting approval of the proposed text amendments for attention getting devices.

The Plan Commission recommended approval by a 4-2 vote of the proposed text amendments. Staff requests a waiver of first reading of the Ordinance.

DECEMBER 16, 2013

Title

PC 13-19

Petitioner

Village of Lombard

Property Location

Entire Village

Approval Sought

The Village requests text amendments to Section 153.602 (and any other relevant section for clarity); Section 153.209; and Section 153.237 (C), (D), and (E) of the Village of Lombard Sign Ordinance.

Prepared By

Jennifer Ganser, Assistant Director

DESCRIPTION

Staff has reviewed the definition and regulations of feather signs. Recently these signs have become popular in Lombard and surrounding communities. Sometimes this signage is used for a grand opening or other temporary event but often it is used as temporary signage to generate additional business. Staff contacted neighboring municipalities regarding their regulations on feather signs. Municipalities regulated feather signs in different ways with some prohibiting them and others allowing them with restrictions. Staff also contacted local businesses and asked about the signs effectiveness, which helped bring in more customers.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the proposed text amendments.

Fire Department:

The Fire Department has no issues or concerns regarding the proposed text amendments.

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendments.

Public Works:

The Department of Public Works has no issues or concerns regarding the proposed text amendments.

Planning Services Division:

Staff proposes the following text amendments in **bold and underline**. Deletions are denoted by a ~~strikethrough~~.

The only deletion is in Section 153.237 (D). Per PC 13-04 text is permitted on pennants and inflatables. The deletion addresses a section of the Sign Code staff missed in PC 13-04.

PROPOSED TEXT AMENDMENTS

§153.602 DEFINITIONS

ATTENTION GETTING DEVICE Any flag, festoon, propeller, pole covers, spinner, streamer, searchlights, and any similar device or ornamentation designated for the purposes of attracting attention, promoting or advertising.

(Ord. 6834, passed 5/16/13)

SIGN, FEATHER A freestanding type of attention getting device made of fabric or nylon affixed to a light weight pole used for attracting attention, promotion, or advertising. May also be called a flag or teardrop sign.

§153.209 ATTENTION-GETTING DEVICES

Attention-Getting Devices as defined in this Ordinance, may be permitted subject to the following provisions:

A. General Requirements

- (1) Unless otherwise provided for in this ordinance, a permit must be obtained from the Village.
- (2) No text or graphic symbols identifying a specific business entity exceeding thirty-six (36) square feet in total copy area shall be displayed on any surface of an attention getting device.
- (3) Attention-getting devices shall only be affixed to a permanent structure, unless otherwise provided for in this ordinance.

B. Inflatables

- (1) A permit must be obtained from the Village.
- (2) No other attention-getting device shall be displayed or attached to the inflatable or its supports.
- (3) Number: No more than one inflatable shall be permitted on the premises.
- (4) Location: Inflatables may be placed on the ground or on the roof of a building no more than twenty-five (25) feet in height. When placed on the ground, inflatables and their supports shall meet the minimum building setbacks required by the zoning district in which the inflatable is located. Inflatables located on the ground and their supports shall not be located within the clear line of site area, as defined in the Lombard Zoning Ordinance. Inflatables located on the ground and their supports shall not interfere with required parking spaces.
- (5) Size: When placed on the ground inflatables may not exceed twenty-five feet (25') in height, to the top of the inflatable, above the ground level. When placed on a building roof, inflatables may not exceed twenty-five (25') feet in height, to the top of the inflatable, above the roof of the building.

(6) Separation Between Buildings, Signs, and Other Structures: Inflatables shall not be located closer than ten feet (10') from any overhead utility line. When placed on the ground, inflatables shall not be located closer than four feet (4') to any other building or sign.

(Ord. 6650, passed 9/15/11; Ord. 6834, passed 5/16/13)

C. Feather Signs

- (1) A permit must be obtained from the Village.
- (2) No other attention-getting device shall be displayed concurrently or attached to the feather sign or its supports.
- (3) Number: No more than one feather sign shall be permitted per business.
- (4) Location: Feather signs are permitted only on private property and shall not be located within the clear line of sight area, as defined in the Lombard Zoning Ordinance. Feather signs and their supports shall not interfere with required parking spaces.
- (5) Size: Feather signs may not exceed thirty-six square feet in area.
- (6) Design: Feather signs shall be freestanding and be properly anchored so as to not create a wind-blown hazard. Feather signs shall not have any nails, tacks, wire, or sharp metal edges protruding therefrom.

§153.237 TEMPORARY SIGNS

The provisions of this Section shall regulate all Temporary Signs, with the exception of Temporary Signs which are specifically described and regulated in other sections of this Code. (See Sections 153.205 and 153.206 of this Code, entitled, "Signs Not Subject to Permit Fee" and "Signs Not Subject to Permit"). It is unlawful to construct, erect, or maintain any Temporary Signs without complying with the following provisions:

(A) Location:

- (1) Non-Residential Districts: Temporary Signs shall only be affixed to the following permanent structures: façade of a principal structure, wall of an accessory structure, fence, permanent freestanding sign, or shopping center identification sign, **unless otherwise provided for**. Temporary Signs shall only be affixed to a single structure at all corners of the sign and shall not be erected in a manner in which the sign is suspended and/or extending the distance between two (2) separate structures.
- (2) Residential Districts: In addition to the regulations outlined in Section 153.237(A)(1) above, Temporary Signs shall also be permitted to be affixed to the ground provided that the sign is securely erected.
- (3) All Districts: No Temporary Signs shall be located in or on the public right of way, sidewalk or other public thoroughfare. No signs shall be located in the clear line of sight area, as defined in the Lombard Zoning Ordinance (Chapter 155 of this Code). Inflatable Signs may be erected on top of structures or on the ground. Inflatable Signs erected on the ground shall not be tethered or otherwise suspended above the ground, but shall be fastened directly to the ground without any vertical clearance between the Inflatable Sign and the ground.

(B) Construction: Temporary Signs must be maintained in a structurally safe and presentable manner.

(C) Duration: Temporary Signs shall be allowed for the specified periods set forth below:

- (1) Inflatable Signs: No inflatable sign shall be permitted on the same parcel for a period of more than seven (7) consecutive days in any year, or for more than a total of fourteen (14) days in any year.

(2) Pennants: No pennants shall be permitted on the same parcel for a period of more than fourteen (14) consecutive days in any year, or for more than a total of fifty-six (56) days in any year.

(3) Banners: Up to eight (8) temporary permits may be issued for any one business in any calendar year, provided that the total of all permits issued does not exceed one hundred twenty (120) days in any calendar year.

(4) Window Signs: There shall be no time restriction placed on any window sign that is maintained in a safe and presentable manner.

(5) Feather Signs: One permit may be issued for any one business, provided that the total number of days does not exceed fourteen (14) consecutive days in any calendar year.

(D) Permitted Temporary Signs By Sign Type And Property Type: Temporary Signs shall be allowed in the Village in accordance with the following table:

PERMITTED TEMPORARY SIGNS BY SIGN TYPE AND PROPERTY TYPE

Sign Type	Multiple-Family Dwellings; on lots less than 1 acre in area, Attached Dwellings, Two-Family Dwellings, Detached Dwellings:	All Other Areas
Pennants	P ⁿ	P ⁿ
Banners	N	P
Inflatable	N	P ⁿ
Window	Y ⁱ	Y
Feather	N	P

- Y = Allowed without sign permit.
- P = Allowed only with sign permit.
- N = Not allowed.

(i) = No commercial message allowed on sign, except for a commercial message drawing attention to an activity currently and legally offered on the premises.

(ii) = No text, graphic, logo or symbol shall be displayed on any surface.

(E) Permitted Number And Size Of Temporary Signs By Sign Type: The number and size of Temporary Signs shall be allowed in accordance with the following table:

PERMITTED NUMBER AND SIZE OF TEMPORARY SIGNS BY TYPE

Sign Type	Number Allowed	Maximum Sign Area	Height
Pennants	n/a	n/a	n/a
Banners	One (1) per street exposure	Thirty-two (32) sq. ft.	n/a
Inflatable	One (1) per business	n/a	Twenty-five (25) ft.
Window	n/a	Total area of all signs shall not exceed twenty percent (20%) of total window area.	n/a
Feather	<u>One (1) per business</u>	<u>Thirty-six (36) sq. ft.</u>	<u>n/a</u>

n/a =Not applicable.”

(Ord. 4700, passed 9/2/99; Ord. 5600, passed 1/20/05; Ord. 5656, passed 6/2/05; Ord. 6412, passed 11/19/09)

STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards and staff comments are noted below:

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*

The proposed amendments will be applicable throughout the Village.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

The proposed text amendments limit the number and duration but still allow for feather signs in the Village.

3. *The degree to which the proposed amendment would create nonconformity;*

The proposed amendments would create no nonconformities as the proposed regulations are an addition to current regulations and relate to temporary attention getting devices.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed amendments will not make the ordinance more permissive since additional, more restrictive, regulations are being proposed.

5. *The consistency of the proposed amendment with the Comprehensive Plan;*

Staff finds that the proposed amendments would be consistent with the Comprehensive Plan.

6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*

The Village has a history of amending its Sign Ordinance to address evolving circumstances presented by petition or by recognizing a desire to amend the code to address desired code regulations. The proposed amendments are consistent with established Village policy in this regard.

FINDINGS & RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested text amendments **comply** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 13-19.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

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VILLAGE OF LOMBARD

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Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

January 16, 2014

Village President
Keith T. Giagnorio

Mr. Keith Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Village Clerk
Sharon Kuderna

Trustees

Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Acting Village Manager
Timothy Sexton

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Subject: PC 13-19; Text Amendments to the Sign Ordinance (Section 153 of the Code of Ordinances)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing the following text amendments to the Sign Ordinance (Section 153 of the Code of Ordinances):

- 1) An amendment to Section 153.602, Rules and Definitions, (and any other relevant sections for clarity) to add a definition for feather signs;
- 2) An amendment to Section 153.209, Attention-Getting Devices; and
- 3) An amendment to Section 153.237 (A), (C), (D), and (E), Temporary Signs.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on December 16, 2013.

Chairperson Ryan asked for public comment, and, hearing none, he noted that the petition would be presented by Staff.

Ms. Ganser, Assistant Director of Community Development, was sworn in to present the staff report, which was submitted to the public record in its entirety. Ms. Ganser noted this issue has been discussed as a workshop at the last two Plan Commission meetings. Staff is offering a text amendment to allow feather signs for any one business for a period of fourteen (14) consecutive days or less. Feather signs may not exceed thirty-six feet in area. Feather signs shall be freestanding and be properly anchored into the ground. One permit may be issued for any one business, provided that the total number of days does not exceed fourteen (14) consecutive days in any calendar year.

Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners. Commissioner Sweester

commented the presentation captured what the Plan Commission discussed. Commissioner Cooper noted for the record she is still not in favor of the feather signs.

On a motion by Commissioner Sweetser and a second by Commissioner Olbrysh, the Plan Commission voted 4 to 2 that the Village Board **approve** the text amendment associated with PC 13-19 in the Inter-Departmental Review Committee Report.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink, appearing to read "Donald Ryan". The signature is written in a cursive, flowing style with a large initial "D".

Donald Ryan, Chairperson
Lombard Plan Commission

c. Lombard Plan Commission

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ORDINANCE _____

**AN ORDINANCE APPROVING A TEXT AMENDMENT
TO THE LOMBARD SIGN ORDINANCE
TITLE 15, CHAPTER 153 OF THE CODE OF LOMBARD, ILLINOIS**

(PC 13-19; Text Amendment to the Sign Ordinance)

WHEREAS, the Village of Lombard maintains a Sign Ordinance which is found in Title 15, Chapter 153 of the Code of Lombard, Illinois; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Zoning Ordinance and make necessary changes; and

WHEREAS, as the Director has identified and recommends a text amendment to the Zoning Ordinance as set forth herein; and

WHEREAS, a public hearing to consider text amendments to the Sign Ordinance has been conducted by the Village of Lombard Plan Commission on December 16, 2013 pursuant to appropriate and legal notice; and

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein; and

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 153, Section 602, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

§153.602 DEFINITIONS

ATTENTION GETTING DEVICE Any flag, festoon, propeller, pole covers, spinner, streamer, searchlights, and any similar device or ornamentation designated for the purposes of attracting attention, promoting or advertising.

(Ord. 6834, passed 5/16/13)

SIGN, FEATHER A freestanding type of attention-getting device made of fabric or nylon affixed to a light weight pole used for attracting attention, promotion, or advertising. May also be called a flag or teardrop sign.

SECTION 2: That Title 15, Chapter 153, Section 209, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

§153.209 ATTENTION-GETTING DEVICES

Attention-Getting Devices as defined in this Ordinance, may be permitted subject to the following provisions:

A. General Requirements

(1) Unless otherwise provided for in this ordinance, a permit must be obtained from the Village.

(2) No text or graphic symbols identifying a specific business entity exceeding thirty-six (36) square feet in total copy area shall be displayed on any surface of an attention getting device.

(3) Attention-getting devices shall only be affixed to a permanent structure, unless otherwise provided for in this ordinance.

B. Inflatables

(1) A permit must be obtained from the Village.

(2) No other attention-getting device shall be displayed or attached to the inflatable or its supports.

(3) Number: No more than one inflatable shall be permitted on the premises.

(4) Location: Inflatables may be placed on the ground or on the roof of a building no more than twenty-five (25) feet in height. When placed on the ground, inflatables and their supports shall meet the minimum building setbacks required by the zoning district in which the inflatable is located. Inflatables located on the ground and their supports shall not be located within the clear line of site area, as defined in the Lombard Zoning Ordinance. Inflatables located on the ground and their supports shall not interfere with required parking spaces.

(5) Size: When placed on the ground inflatables may not exceed twenty-five feet (25') in height, to the top of the inflatable, above the ground level. When placed on a building roof, inflatables may not exceed twenty-five (25') feet in height, to the top of the inflatable, above the roof of the building.

(6) Separation Between Buildings, Signs, and Other Structures: Inflatables shall not be located closer than ten feet (10') from any overhead utility line. When placed on the ground, inflatables shall not be located closer than four feet (4') to any other building or sign. (Ord. 6650, passed 9/15/11; Ord. 6834, passed 5/16/13)

C. Feather Signs

(1) A permit must be obtained from the Village.

(2) No other attention-getting device shall be displayed concurrently or attached to the feather sign or its supports.

(3) Number: No more than one feather sign shall be permitted per business.

(4) Location: Feather signs are permitted only on private property and shall not be located within the clear line of sight area, as defined in the Lombard Zoning Ordinance. Feather signs and their supports shall not interfere with required parking spaces.

(5) Size: Feather signs may not exceed thirty-six square feet in area.

(6) Design: Feather signs shall be freestanding and be properly anchored so as to not create a wind-blown hazard. Feather signs shall not have any nails, tacks, wire, or sharp metal edges protruding therefrom.

SECTION 3: That Title 15, Chapter 153, Section 237, of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

§153.237 TEMPORARY SIGNS

The provisions of this Section shall regulate all Temporary Signs, with the exception of Temporary Signs which are specifically described and regulated in other sections of this Code. (See Sections 153.205 and 153.206 of this Code, entitled, "Signs Not Subject to Permit Fee" and "Signs Not Subject to Permit"). It is unlawful to construct, erect, or maintain any Temporary Signs without complying with the following provisions:

(A) Location:

(1) Non-Residential Districts: Temporary Signs shall only be affixed to the following permanent structures: façade of a principal structure, wall of an accessory structure, fence, permanent freestanding sign, or shopping center identification sign, unless otherwise provided for. Temporary Signs shall only be affixed to a single structure at all corners of the sign and shall not be erected in a manner in which the sign is suspended and/or extending the distance between two (2) separate structures.

(2) Residential Districts: In addition to the regulations outlined in Section 153.237(A)(1) above, Temporary Signs shall also be permitted to be affixed to the ground provided that the sign is securely erected.

(3) All Districts: No Temporary Signs shall be located in or on the public right of way, sidewalk or other public thoroughfare. No signs shall be located in the clear line of sight area, as defined in the Lombard Zoning Ordinance (Chapter 155 of this Code). Inflatable Signs may be erected on top of structures or on the ground. Inflatable Signs erected on the ground shall not be tethered or otherwise suspended above the ground, but shall be fastened directly to the ground without any vertical clearance between the Inflatable Sign and the ground.

(B) Construction: Temporary Signs must be maintained in a structurally safe and presentable manner.

(C) Duration: Temporary Signs shall be allowed for the specified periods set forth below:

(1) Inflatable Signs: No inflatable sign shall be permitted on the same parcel for a period of more than seven (7) consecutive days in any year, or for more than a total of fourteen (14) days in any year.

(2) Pennants: No pennants shall be permitted on the same parcel for a period of more than fourteen (14) consecutive days in any year, or for more than a total of fifty-six (56) days in any year.

(3) Banners: Up to eight (8) temporary permits may be issued for any one business in any calendar year, provided that the total of all permits issued does not exceed one hundred twenty (120) days in any calendar year.

(4) Window Signs: There shall be no time restriction placed on any window sign that is maintained in a safe and presentable manner.

(5) Feather Signs: One permit may be issued for any one business, provided that the total number of days does not exceed fourteen (14) consecutive days in any calendar year.

(D) Permitted Temporary Signs By Sign Type And Property Type: Temporary Signs shall be allowed in the Village in accordance with the following table:

PERMITTED TEMPORARY SIGNS BY SIGN TYPE AND PROPERTY TYPE

Sign Type	Multiple-Family Dwellings; on lots less than 1 acre in area, Attached Dwellings,	All Other Areas
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	Two-Family Dwellings, Detached Dwellings:	
Pennants	P ⁱⁱ	P ⁱⁱ
Banners	N	P
Inflatable	N	P ⁱⁱ
Window	Y ⁱ	Y
<u>Feather</u>	<u>N</u>	<u>P</u>

- Y =Allowed without sign permit.
- P = Allowed only with sign permit.
- N =Not allowed.

(i) = No commercial message allowed on sign, except for a commercial message drawing attention to an activity currently and legally offered on the premises.

~~(ii) = No text, graphic, logo or symbol shall be displayed on any surface.~~

(E) Permitted Number And Size Of Temporary Signs By Sign Type: The number and size of Temporary Signs shall be allowed in accordance with the following table:

PERMITTED NUMBER AND SIZE OF TEMPORARY SIGNS BY TYPE

Sign Type	Number Allowed	Maximum Sign Area	Height
Pennants	n/a	n/a	n/a
Banners	One (1) per street exposure	Thirty-two (32) sq. ft.	n/a
Inflatable	One (1) per business	n/a	Twenty-five (25) ft.
Window	n/a	Total area of all signs shall not exceed twenty percent (20%) of total window area.	n/a
<u>Feather</u>	<u>One (1) per</u>	<u>Thirty-six (36) sq. ft.</u>	<u>n/a</u>

Ordinance No. _____

Re: PC 13-19

Page 6

	business		
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n/a =Not applicable.”

(Ord. 4700, passed 9/2/99; Ord. 5600, passed 1/20/05; Ord. 5656, passed 6/2/05; Ord. 6412, passed 11/19/09)

SECTION 4: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2014.

First reading waived by action of the Board of Trustees this ____ day of _____, 2014.

Passed on second reading this ____ day of _____, 2014.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2014.

Keith T. Giagnorio, Village President

ATTEST:

Janet Downer, Deputy Village Clerk

Published by me in pamphlet form this ____ day of _____, 2014.

Janet Downer, Deputy Village Clerk