

TITLE 8
PUBLIC WAYS AND PROPERTY

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CHAPTER 1

**RIGHT-OF-WAYS, STREETS, ALLEYS,
SIDEWALKS, AND DRIVEWAYS**

SECTION:

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8-1-1: **STREET DEPARTMENT:**

8-1-1.1: **ESTABLISHMENT OF STREET DEPARTMENT:** There is herewith established a Street Department to be supervised by the Superintendent of Public Works (SPW), and which Department shall see to the maintenance of all right-of-ways, streets, alleys, and sidewalks, under the terms and provisions of this Chapter, or such other Ordinances or amendments thereto, as may from time to time be enacted by the President and Board of Trustees of this Village. (Ord. 98-47, 4-5-99)

8-1-1.2: **SUPERINTENDENT OF STREETS; OFFICE CREATED:** There is hereby created the office of Superintendent of Streets. The Superintendent shall at all times act under the direct control of the Superintendent of Public Works, and shall be the head of the Street Department, and shall have charge of all property and equipment pertaining thereto, and supervision over all employees therein. (Ord. 98-35, 12-21-98; amd. Ord. 98-47, 4-5-99; amd. Ord. 00-38, 11-20-00; amd. Ord. 04-05, 6-7-04)

8-1-1.3: **SUPERINTENDENT'S POWERS AND DUTIES:** It shall be the duty of the Superintendent of Streets to:

- (A) Monitor the conditions of all streets;
- (B) Keep records of actions taken and examinations, inspections, and tests made;
- (C) Make a monthly report of his acts and doings to the Superintendent of Public Works;
- (D) Advise the public, when requested, in the matter of the regulations relating to the streets; and
- (E) Enforce all provisions of this Chapter under the supervision of the Superintendent of Public Works. (Ord. 98-35, 12-21-98; amd. Ord. 98-47, 4-5-99)

8-1-2: **MONETARY PENALTY FOR VIOLATION OF CHAPTER:** Any person, firm, corporation, or customer who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of any provision of this Chapter shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than seven hundred fifty dollars (\$750.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Chapter shall continue. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99; amd. Ord. 99-37, 12-6-99)

8-1-3: SUPERVISION; SPECIFICATIONS; REPAIRS:

- (A) All right-of-ways, streets, alleys, sidewalks, easements, and any other public ways in the Village shall be under the supervision of the Superintendent of Public Works (SPW), who shall have supervision over all work thereon and maintenance thereof.
- (B) All street, sidewalk, and driveway pavements shall be made in conformity with specifications and grades as approved by the SPW.
- (C) It shall be unlawful to damage any street, alley, or sidewalk pavement, or to walk upon or drive across any newly installed street or sidewalk which is protected by barricades.
- (D) All public streets, alleys, and sidewalk pavements shall be kept in good repair. Every driveway shall be kept in good repair and free of obstructions where it crosses the sidewalk. All repair work shall be done under the supervision of the SPW.
- (E) Any person laying or repairing any pavement on a street, sidewalk, driveway, or other public place, or making any excavation in any such place, shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work; said barricades shall include appropriate lighting.
- (F) It shall be unlawful to disturb any barricades or lights lawfully placed to protect or mark any new pavement, excavation, or opening in any public street, sidewalk, right-of-way, or driveway.
- (G) It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to a person, or any wire charged with electric current, anywhere within three feet (3') of any right-of-way, street, alley, sidewalk, or other public way. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99)

8-1-4: CONSTRUCTION STANDARDS:

- (A) All driveways leading from the public right-of-way to a garage or parking area must be of asphalt or concrete construction. Within the right-of-way, the driveway must conform to Morton's Subdivision Construction Details and must be of plain concrete construction.
- (B) Whenever a Village curb is altered for the purpose of making a driveway entrance, all work shall be done in accordance with Morton's Subdivision Construction Details.
- (C) All new driveway entrances shall be constructed by sawing the back of the curb to the Village's satisfaction. Removal and replacement shall only be allowed under special circumstances.
- (D) No Village curb, driveway approach, or sidewalk may be altered without first obtaining a permit from the office of the SPW. The fee for such permit shall be fifty dollars (\$50.00) when incorporating the curb sawing method, driveway approach or sidewalk replacement, and two hundred dollars (\$200.00) for curb removal and replacement. The Village must inspect the forms before the concrete is poured. If work has begun before a permit is obtained, the applicable fee shall double. (amd. Ord. 04-39, 11-15-04)

- (E) Downspouts and sump pump lines may not be routed or constructed to discharge into the Village right-of-way. In areas where the Village is engaged in street improvement projects, and following thirty (30) days written notice to property owners, all existing downspouts and sump pump lines that discharge into the Village right-of-way shall be re-routed or re-constructed by the property owner so as not to discharge into the Village right-of-way. (amd. Ord. 08-09, 7-7-08)
- (F) If any concrete construction is completed, and has not been inspected or is found to be out of compliance with this Section, the property owner shall have thirty (30) days to remove and replace same so that it conforms with all rules and regulations of this Section. In the event correction is not accomplished, the Village may, at its option, correct the problem and invoice the owner for the cost of same. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99, amd. Ord. 00-32, 10-2-00; amd. Ord. 03-02, 7-7-03)

8-1-5: **ENCROACHMENTS:**

- (A) No buildings, structures, or improvements may be constructed within any public right-of-way, with the exception of mailboxes and lawn irrigation systems and in unique circumstances, where extraordinary hardship would apply to a property owner, the Board of Trustees may grant an exemption on such terms and conditions as it deems appropriate. (amd. Ord. 04-04, 5-17-04)
- (B) If a mailbox is constructed in the public right-of-way, it shall be subject to the following provisions:
1. Any side or the depth shall not exceed three feet (3').
 2. The height shall not exceed four feet (4').
 3. It shall sit on a slab and not a footing.
 4. Existing mailboxes may continue to be maintained but shall not be reconstructed.
- (C) The planting of trees and bushes on any public right-of-way is expressly prohibited.
- (D) It shall be unlawful to erect or maintain any poles or wires on or over any right-of-way, street, alley, or other public way, or to attach any wire or rope to any street light in the Village without having first secured permission from the Village Board of Trustees.
- (E) Any of the items described in this Section which are placed in the right-of-way are at the sole risk of the owner of the adjacent property, and the Village assumes no liability with respect to same. The landowner shall also indemnify and hold harmless the Village of Morton from any liability, claims, or damages that might be asserted by a third party as a result of the fact a mailbox or lawn irrigation system was placed in the public right-of-way. In the event the Village, or any other utility company which has easement rights within said right-of-way, needs to use said area to repair, maintain, or install any utility system or appurtenance, then the Village or said utility company shall not be liable for any such property located in the public right-of-way. The Village shall not be liable for any damage caused to any property located within the right-of-way, regardless of the cause of said damage, except as provided for in the following paragraphs. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99; amd. Ord. 06-40, 2-19-07)

- (F) In the event a mailbox is damaged as a direct result of the Village of Morton plowing snow, then the owner of the mailbox shall notify the Village of Morton within three (3) days of the occurrence of the damage. Mailbox shall mean the box and any support. The three (3) day notification period may be extended if the owner notifies the Village within thirty (30) days of the occurrence of the damage and provides satisfactory proof that the owner was out of town at the time the damage occurred.

Upon notification, the Village shall have the right to inspect the property and verify that the damage was caused by the Village. The Village's determination of the causation of the damage and whether to repair or replace shall be conclusive. If the Village elects to repair the mailbox, it shall do so as soon as reasonably practical. If the Village elects to replace it, it shall do so using a standard box and support established by the Village.

If the owner declines the Village replacement, the Village shall reimburse the owner of the property up to one hundred fifty dollars (\$150.00) as full and final payment for the damage, and in such case, the owner shall be responsible for replacing or repairing the mailbox. Owner shall provide receipts of the cost of repair or replacement and shall provide those to the Village within one hundred twenty (120) days of the incident or there shall be no reimbursement due by the Village. (amd. Ord. 06-40, 2-19-07)

- (G) Structures may be located within the public right-of-way, subject to the following:

1. They may be attached only to a building or structure which was lawfully erected on or within one foot (1') of the property line. (amd. Ord. 06-40, 2-19-07)
2. The property owner shall provide to the President and Board of Trustees adequate drawings showing the location of the proposed structure, and shall furnish the legal description of the property.
3. Upon the affirmative vote of five (5) members of the Board of Trustees (President may provide fifth vote), approval may be granted. There is no obligation on the President and Board of Trustees to approve any request.
4. If approval is granted by the President and Board of Trustees, the property owner(s) shall sign an agreement indemnifying and holding the Village harmless from any liability, claims, or damages that might be asserted by any party as a result of the location of the structure in the right-of-way.
5. If, for any reason, at a date subsequent to the granting of approval, the Village needs to use all or any part of the right of way where the structure is located, then upon sixty (60) days notice the property owner, at his, her, or its sole expense, shall remove the structure from the right of way. The Village shall have no responsibility to reimburse the property owner for any such costs or any damages.
6. If approval is granted, a memorandum shall be recorded at the office of the Tazewell County Recorder of Deeds.

8-1-6: **OBSTRUCTIONS AND DEPOSITS ON PUBLIC RIGHT OF WAYS:**

- (A) It shall be unlawful for any person to cause, create, or maintain any obstruction of any right of way, street, alley, sidewalk, driveway, or other public way, except as may be specifically authorized by the SPW or the Chief of Police. Obstruction includes, but is not limited to, dirt, mud, and silt from construction or landscaping. The property owner and the contractor or landscaper, who causes any obstruction, shall be jointly and severally liable. (amd. Ord. 06-24, 9-5-06)

- (B) It shall be unlawful to deposit or allow to be deposited on any right of way, street, alley, sidewalk, driveway, or other public way any gasoline, oil, or any other material which may be harmful to the pavement thereof, or any waste material, glass, or other articles which may do injury to any person, animal, or property.
- (C) It shall be unlawful to obstruct any drain in any right of way, street, or alley, or deposit or allow to be deposited in any drain, dirt, mud, silt, leaves, grass, or other materials. (amd. Ord. 06-24, 9-5-06)
- (D) It shall be unlawful to deposit or allow to be deposited in any storm sewer, creek, drainage easement, or watercourse within the Village, or bordering on the Village to the extent of three (3) miles beyond the corporate limits of the Village, any materials which may impede the flow of same, including but not limited to dirt, mud, silt from construction or landscaping, leaves, grass, or other materials. Likewise, no creek or watercourse in the above-defined area shall be changed, altered, or modified in any manner whatsoever without the written permission of the President after approval by the Board of Trustees, upon the written recommendation of the Village Engineer submitted to the Board of Trustees, and after written application for such change, alteration, or modification has been made together with a detailed drawing showing the location, present condition, and proposed change, alteration, or modification. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99, amd. Ord. 06-24, 9-5-06)
- (E) It shall be unlawful for any person to disturb, damage, remove or render ineffective, any erosion control device, whether it is public or private. (Ord. 06-24, 9-5-06)
- (F) If a property owner, contractor, or landscaper has not abated any violation of this Section 6 after five (5) days notice from the Village, then the Village may abate same and all costs incurred shall be reimbursed by the property owner, contractor, or landscaper. This abatement shall be in addition to any fines that might apply for violation of the ordinance. (Ord. 06-24, 9-5-06)

8-1-7: **EXCAVATIONS:**

- (A) **Permit Required:** It shall be unlawful to make any excavations in or tunnel under any right of way, street, alley, sidewalk, or other public way in the Village, without having first secured a permit therefor. Applications for such permit shall be made to the SPW, and shall specify the intended location and the purpose of the excavation.
- (B) **Fees:**
1. The fee for such permit on a public street or alley shall be three hundred dollars (\$300.00), or sixty dollars (\$60.00) per square yard, whichever amount is greater. (amd. Ord. 06-09, 6-5-06)
 2. The fee for such permit on a public sidewalk or any other public right of way is twenty five dollars (\$25.00). The permittee shall be responsible for restoring the surface area removed. Restoration shall be completed within thirty (30) days.
- (C) **Restoration:** Any excavation made in any right of way, street, alley, or other public way must be refilled in a manner approved by the SPW to the top of the original surface. Sidewalks and landscaping shall be restored to the original condition by the excavator within thirty (30) days of the issuance of the permit. In the event restoration is not completed, the Village may, at its option, restore the area and invoice the owner for the cost of same.
- (D) **Sewers:** Sewer work shall be accomplished in accordance with Chapter 3 of this Title.

- (E) Insurance, Bond Required: Each applicant for an excavation permit, for a project other than sewer work, shall provide a certificate of insurance with minimum liability as required by the Village, and shall file a bond for that project in the amount of ten thousand dollars (\$10,000.00), with security to be approved by the SPW, conditioned to indemnify the Village for any loss or damage resulting from the work undertaken in the manner in doing the same, guaranteeing the work for a period of two (2) years. (amd. Ord. 10-36, 5-2-11)
- (F) Monitoring Wells: A permit to be issued by the SPW is required for a monitoring well or similar device or boring and shall at a minimum require the following:
1. A bond in the amount of ten thousand dollars (\$10,000.00) with security to be approved by the SPW, conditioned to indemnify the Village for any loss or damage resulting from the work undertaken in doing same and guaranteeing the work for a period of five (5) years.
 2. An agreement with the Village on terms and conditions approved by the SPW and corporation counsel.
 3. A certificate of insurance with minimum liability as required by Village.
 4. Payment of a minimum fee of one thousand dollars (\$1,000.00) for three (3) or less openings and an additional fee of two hundred dollars (\$200.00) for each additional opening.
 5. All work allowed by the permit shall commence within ninety (90) days of the issuance of the permit and shall be finished as soon as reasonably practical. If work is not commenced within that period, the permit will be revoked.
- (G) Penalty: If work is begun before a permit is obtained, the fee shall be doubled. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99; amd. Ord. 01-44, 5-6-02; amd. Ord. 03-02, 7-7-03)

8-1-8: **DESIGNATION OF STREETS AND AVENUES:**

- (A) All streets lying in a generally east-west direction shall be designated "streets", and all streets lying in a generally north-south direction shall be designated "avenues", with the exception of Main, which shall be designated a street.
- (B) All streets lying generally north-south, shall be prefixed "north" if north of Jefferson and "south" if south of Jefferson. All streets lying generally east-west and south of I-74 shall be prefixed "east" if east of Main and "west" if west of Main, while those north of I-74 shall be prefixed "east" if east of N. Morton Ave. and "west" if west of N. Morton Ave.
- (C) All street names, as well as any changes of same, shall be approved by the Village Board of Trustees. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99)

8-1-9: **PROHIBITION OF SALES ON PUBLIC STREETS:**

- (A) No person, firm, corporation, or other legal entity shall peddle on any public right-of-way within the corporate limits of the Village. "Peddle" shall mean the selling, bartering, or exchanging, or the offering for sale, barter, or exchange of any tangible personal property, including food products.
- (B) If the President and Board of Trustees have authorized the temporary closing of a public street, or any portion thereof, then during the period of such closing, personal property, including food products, may be peddled subject to all other applicable ordinances of the Village. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99)

8-1-10: **TREES; SHRUBBERY:**

- (A) No person, firm, corporation, or other legal entity, other than the Village, shall plant any tree or bush in any right-of-way, street, or other public place in the Village, including those portions of streets and roadways not used for traffic purposes and lying between the adjacent property line and the curb line.
- (B) Any tree or shrub which overhangs any right-of-way, street, sidewalk, or other public place in the Village in such a way as to impede or interfere with pedestrians or traffic, or which obstructs visibility of traffic or traffic signs or signals, or obstructs street lights shall be trimmed by the owner of the abutting premises on which such tree or shrub grows, so that the obstruction shall cease. The SPW may trim any such tree or shrub to the right-of-way line if it extends to less than sixteen feet (16') above the pavement or driving surface, or obstructs visibility of traffic or traffic signs or signals, or is less than seven feet (7') above the sidewalk, and is less than or equal to two inches (2") in diameter at the right-of-way line. Otherwise the owner of the premises on which such tree or shrub grows shall be notified and given fourteen (14) days to eliminate the obstruction. If not eliminated within said fourteen (14) days, the SPW may trim or remove any such tree or shrub to the right-of-way line so that the obstruction, danger, or interference to pedestrians, traffic passage, or visibility is eliminated. (amd. Ord. 00-19, 8-7-00; amd. Ord. 05-11, 8-15-05)
- (C) Any tree or limb of a tree which appears likely to fall on or across any public way shall be removed by the owner of the premises on which such tree grows.
- (D) It shall be unlawful to attach any sign or advertising notice, or any wire or rope, to any tree or shrub in any public street, parkway, or other public place, without the permission of the Board of Trustees. Any person or entity who maintains poles and wires in any street, alley, or other public place shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible, and shall keep all such trees or shrubs near such wires and poles properly trimmed, subject to the supervision of the SPW, so that no injury will be done either to the poles and wires or to the trees or shrubs by their contact. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99)
- (E) In the event the SPW or his designee or assignee trims any tree or shrub in accordance with the provisions of this Section, the costs thereof shall be recoverable from the owner and the Village may place a lien on the land until payment is made. Within sixty (60) days after the cost and expense is incurred, the Village or the party performing the service by authority of the Village, in his or its name, may file a Notice of Lien in the Office of the Recorder of Deeds in Tazewell County, Illinois. Notice of the person to whom was sent the tax bill for the general taxes on the property for the preceding year shall be sent by certified mail or personally served on the person. The Notice shall consist of a sworn statement setting out (a) a description of the real estate sufficient for identification thereof; (b) the amount of money representing a cost and expense incurred or payable for the service; and (c) the date or dates when such cost and expense was incurred by the Village.
- (F) Upon payment of the cost and expense by the owner, or of persons interested in such property, after a Notice of Lien has been filed, the Lien shall be released by the Village or person whose name the Lien has been filed and the release may be filed of record in the office of the Recorder of Deeds, Tazewell County, Illinois; provided, however, no Lien shall be released until the total cost and expense including the actual cost, filing fees and other costs of administration and interest are satisfied by payment in full.
- (G) In addition to the abatement and lien procedures provided for in this Chapter, any person violating any of the provisions of this Section shall be subject to a minimum fine of \$100.00. The maximum fine is \$750.00. Each and every day a violation occurs shall be deemed a separate offense. (Ord. 17-15, 8-7-17)

8-1-11: **SEVERABILITY CLAUSE:** If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter, or any part thereof, or application thereof, to any person, firm, corporation, public agency, or circumstance, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. It is hereby declared to be the legislative intent of the Village Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid section, subsection, paragraph, sentence, clause, or phrase, or any part thereof, not then been included. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99)

CHAPTER 2

GAS DISTRIBUTION DEPARTMENT

SECTION:

- 8-2-1: Gas Distribution Department
- 8-2-1.1: Establishment Of Gas Distribution Department
- 8-2-1.2: Superintendent Of Gas Distribution Department; Office Created
- 8-2-1.3: Superintendent's Powers And Duties
- 8-2-2: Monetary Penalty For Violation Of Chapter
- 8-2-3: Application For Gas Service
- 8-2-4: Service Line Installation Fee
- 8-2-5: Special Charge For Gas Main Tap-Ins
- 8-2-8: Extensions Of Gas Mains And Service
- 8-2-8: All Service Shall Be Metered
- 8-2-9: Meters, Regulators, Fittings, Fixtures, And Appurtenances Connected With The System To Be Open To Inspection
- 8-2-10: Main Connections; Service Lines; Customers' Piping; General Rules And Regulations
- 8-2-11: Meter Reading Conclusive
- 8-2-12: Test Of Meters
- 8-2-13: Separate Meters For Each Distinct Premises
- 8-2-14: Meter, Regulator, Or Village-Owned Equipment Damaged
- 8-2-15: Gas Rate Schedule
- 8-2-16: No Free Gas
- 8-2-18: Service Discontinued; Dangerous Conditions
- 8-2-19: Village Not Liable For An Interruption Of Service Or Supply
- 8-2-20: Complaints
- 8-2-21: Resale
- 8-2-22: Tampering With Meter, Regulator, Or Any Parts Of The Gas System Belonging To The Village
- 8-2-23: Deposit Of Receipts
- 8-2-24: Severability Clause

8-2-1: **GAS DISTRIBUTION DEPARTMENT:**

8-2-1.1: **ESTABLISHMENT OF GAS DISTRIBUTION DEPARTMENT:** There is hereby established a Gas Distribution Department of the Village, to be supervised by the Superintendent of Public Works (SPW), and which Department shall see to the operation of the natural gas distribution system of the Village, under the terms and provisions of this Chapter, or such other ordinances or amendments hereto, as may from time to time be enacted by the President and Board of Trustees of this Village.

In the operation of the Gas Department, the Village, shall have the power to buy, sell, or transport gas, and to act as an agent for end-users in any of the foregoing activities, and in addition thereto, shall have all necessary and incidental powers in conjunction with the foregoing. (Ord. 96-12, 7-1-96)

8-2-1.2: **SUPERINTENDENT OF GAS DISTRIBUTION DEPARTMENT; OFFICE CREATED:** There is hereby created the office of Superintendent of the Gas Distribution Department (SGD). The Superintendent of the Gas Department shall be the same person who is the Assistant Superintendent of the Water Distribution Department. The Superintendent shall at all times act under the direct control of the SPW, and shall be the head of the Gas Distribution Department, and shall have charge of all property and equipment pertaining thereto, and supervision over all employees therein. (Ord. 96-12, 7-1-96; amd. Ord. 00-38, 11-20-00; amd. Ord. 11-01, 5-2-11)

8-2-1.3: **SUPERINTENDENT'S POWERS AND DUTIES:** It shall be the duty of the Superintendent of the Gas Distribution Department to:

- (A) Conduct tests thereon;
- (B) Keep records of actions taken and examinations, inspections, and tests made;
- (C) Make a monthly report of his acts and doings to the SPW;
- (D) Advise the public, when requested, in the matter of the regulations relating to the gas system; and
- (E) Enforce all provisions of this Chapter under the supervision of the SPW. (Ord. 96-12, 7-1-96)

8-2-2: **MONETARY PENALTY FOR VIOLATION OF CHAPTER:** Any person, firm, corporation, or customer who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of any provision of this Chapter shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than seven hundred fifty dollars (\$750.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Chapter shall continue. (Ord. 96-12, 7-1-96; amd. Ord. 99-37, 12-6-99)

8-2-3: **APPLICATION FOR GAS SERVICE:**

- (A) Applications: Any proposed customer requesting new gas service or an existing customer requesting additional or changed gas service shall complete and file with the Village an "Application for Natural Gas Service". Such application shall be limited to one service line. The applicant shall be solely responsible for determining the total gas demand required for the new or changed service. If the proposed customer is a tenant of the premises to be served, the landlord or his legal representative must countersign the application before said application will be considered. The application shall be in the form as established from time to time by the SGD. Such application shall specify the specific premises for which service is requested, and the applicant shall not substitute any other premises for that disclosed in said application without submitting a new application. All applications shall include a recital that applicant shall, upon demand, grant the Village the right to install, construct, maintain, and replace the gas service line on the property to be served and the right to extend same across such property for providing other gas service connecting from the same gas service line. The property for which gas service is to be received must be within the corporate limits of the Village, unless the Board of Trustees specifically waives this requirement.
- (B) Priorities: Applications shall be chronologically filed by the Village. Gas service shall be initiated as gas and necessary gas mains are available, in chronological order within the priorities hereafter set forth.
 1. First Priority: Service to an existing customer applicant for existing firm, residential, or commercial space heating, when such service shall not increase the demand upon the gas utility by more than three hundred thousand (300,000) BTU (3 therms) per hour.
 2. Second Priority: Service to an applicant for new firm, residential, or commercial space heating, when such service shall not increase the demand upon the gas utility by more than three hundred thousand (300,000) BTU (3 therms) per hour.
 3. Third Priority: Service to any applicant or existing customer for firm, residential, commercial, or industrial gas service, when such service shall increase the demand upon the gas utility by more than three hundred thousand (300,000) BTU (3 therms) per hour, but shall not increase the demand upon the gas utility by more than seven hundred fifty thousand (750,000) BTU (7.5 therms) per hour.

4. Fourth Priority: Service to any applicant or existing customer for firm, commercial, or industrial gas service, when such service shall increase the demand upon the gas utility by more than seven hundred fifty thousand (750,000) BTU (7.5 therms) per hour, but shall not increase the demand upon the gas utility by more than two million (2,000,000) BTU (20 therms) per hour.
5. Fifth Priority: Service to any applicant or existing customer for firm, commercial, or industrial gas service, when such service shall increase the demand upon the gas utility by more than two million (2,000,000) BTU (20 therms) per hour.
6. Sixth Priority: Service to any applicant or existing customer for interruptible, seasonal, or other non-firm gas service.

- (C) Demand Defined: The demand referred to above shall be determined by the aggregate therms per each lot or parcel of land with the same owner.
- (D) Restriction Of Supply: The Village may restrict the amount of gas a customer may use, or it may curtail the entire supply of gas. This may be done at the discretion of the Village, if it deems it to be in the best interest of the Village, due to supply shortages, operational problems, or any other reasons deemed appropriate. (Ord. 96-12, 7-1-96)

8-2-4: **SERVICE LINE INSTALLATION FEE:** Upon approval of an application for natural gas service, a fee of one thousand one hundred sixty dollars (\$1,160.00) for the installation of said service line shall become due and payable to the Village. The fee for commercial or industrial gas service lines shall be computed on a "time and material" basis. (Ord. 96-12, 7-1-96; amd. Ord. 03-02, 7-7-03; amd. Ord. 05-43, 2-6-06; amd. Ord. 07-32, 9-17-06; amd. Ord. 07-57, 2-4-08; amd. Ord. 09-41, 3-15-10; amd. Ord. 13-29, 2-3-14)

8-2-5: **SPECIAL CHARGE FOR GAS MAIN TAP-INS:** A charge for the right to connect to a gas main of five dollars (\$5.00) per front foot of any land shall be due and payable before any connection is made. This charge shall apply to all gas mains now in existence, as well as those which may from time to time be constructed in the future. This Section shall not apply to any gas main where the cost of same has been paid for by a subdivider or owner, and the Village has otherwise agreed to no further reimbursement. (Ord. 96-12, 7-1-96; amd. Ord. 05-43, 2-6-06)

8-2-6: **EXTENSIONS OF GAS MAINS AND SERVICE:** The Village may, upon approval by its President and Board of Trustees, extend service when said President and Board of Trustees have determined a sufficient gas supply is available therefor. Extension of mains and service shall be in accordance with the terms provided in this Section and pursuant to such main extension agreements as may be from time to time approved by the President and Board of Trustees, and in which said main extension agreements it shall be the general policy of the President and Board of Trustees to provide for such main extensions in such a manner as will result in the applicant therefor initially paying for the entire cost thereof. Gas systems shall be looped (meaning having two (2) distinct sources of supply or points of connection to the existing system) wherever possible. Where not presently possible, main shall be installed to allow for future looping. (Ord. 96-12, 7-1-96; amd. Ord 02-41, 5-5-03)

8-2-8: **ALL SERVICE SHALL BE METERED:** All gas service shall be metered through meters approved by the Village. Each dwelling unit shall be serviced by its own separate meter if said unit contains one (1) or more gas appliances. All meters shall be so placed and installed as to render them accessible at all times for the purpose of reading or repairing, and shall be set outside of the building. Fences, decks, and other structures may not be located so as to hinder access to the gas meter. A fence may not be installed fully enclosing the location of a gas meter, until the gas meter has been relocated (at the owner's expense) outside of the fenced area. Upon notification by the Village, any and all obstructions, including trees or bushes, must be removed by the consumer to allow adequate access to the meter. If the obstruction is not removed within five (5) days of notification, or if the meter is not moved outside the fenced area within thirty (30) days, the Village may terminate service, or in the case of trees or bushes, the Village may remove said obstruction. (Ord. 96-12, 7-1-96; amd. Ord. 06-10, 6-5-06)

8-2-9: METERS, REGULATORS, FITTINGS, FIXTURES, AND APPURTENANCES CONNECTED WITH THE SYSTEM TO BE OPEN TO INSPECTION: At all times, meters, regulators, fittings, fixtures, and appurtenances connected to the system and located on private property shall be open for inspection by the proper officers or employees of the Village. Any part found to be defective or not in compliance with the provisions of this Chapter shall be immediately repaired or corrected. Service may be discontinued without notice at any time when the condition at the privately owned facilities creates danger or hazard. All meters, regulators, fittings, fixtures, and appurtenances associated with a service line are and shall remain the property of the Village. Ownership maintenance responsibility transfers to the property owner at the connection to the outlet fitting of the meter, or, in the case of fabricated meter sets, a the first connection point (which may be a union, flange, or coupling) after the fabricated section of the meter setting. (Ord. 96-12, 7-1-96)

8-2-10: MAIN CONNECTIONS; SERVICE LINES; CUSTOMERS' PIPING; GENERAL RULES, AND REGULATIONS:

- (A) The Village shall make all connections to the gas mains, shall install all service lines, and shall provide the meter and all labor and materials (at the property owners expense) necessary for said installations. Service line installations will be accomplished in a workmanlike manner, with minimal damage to the property. The property owner is responsible for providing the Village with the location of private underground structures. The Village shall not be required to cure any subsidence or depressions on the property which may occur after the initial backfilling of the trench in which said gas service line is installed. Ownership and maintenance responsibility transfer to the customer at the customer's connection to the outlet fitting of the meter set.
- (B) The final tie-in of the gas line to the outlet (customer) side of the meter is the responsibility of the property owner and must be made by a qualified installer who shall adhere to the guidelines set forth in the latest edition of the American National Standard "National Fuel Gas Code", also identified by National Fire Protection Association #54 and ANSI Z223.1, which is incorporated herein by reference thereto, and is made a part hereof as and to the same extent as if it were fully set forth herein. Installation will not be considered complete until a pressure test is conducted in the presence of Village employees (labor, material, and equipment to be furnished by the contractor).
- (C) All customer piping and necessary venting of appliances shall be in accordance with the regulations of this Chapter and the latest edition of the "National Fuel Gas Code", cited in subsection (B) above.
- (D) For new residential services, or if, in the opinion of the SGD, safety concerns dictate, customer piping shall be installed in accordance with the following guidelines:
1. If customer piping enters the building wall below ground, it must do so not more than three feet (3') from the outlet of the meter.
 2. Customer piping must be a black iron system. (amd. Ord. 13-32, 3-17-14)
- (E) Pressure Testing Details:
1. System will be pressurized to two and one-half (2 1/2) times the operating pressure or to five (5) psi, whichever is greater.
 2. Said pressurization shall be held for ten (10) minutes, with no drop in pressure.
 3. The gauge being used shall measure in increments of one-half (1/2) psi.

4. The Village shall be given notice of the test no less than four (4) hours prior to the proposed test time, with the test being scheduled during regular Village working hours only. If the initial pressure test fails, it will be rescheduled. The Village may charge actual costs for time involved with retesting. After witnessing a successful pressure test, the Village Gas Department may turn on the service.
- (F) No connection will be made with any house pipe manifold that has not been tested for leakage, or which is not rigidly connected to the building.
- (G) The Village shall have the right and option to demand changes, removal, or replacement of any pipe, fixture, or apparatus which is considered to be faulty, inadequate, or hazardous, provided, however, that this provision shall not obligate the Village in any way or manner. The Village shall have the right to refuse or discontinue gas service without notice to its customers if the Village finds any apparatus or appliance in operation which would be detrimental or hazardous to the efficient operation of the existing facilities.
- (H) All persons, firms, corporations, and customers are strictly forbidden to attach any electrical ground wire to any fixture or piping which is or may be connected to any gas service pipe, meter, or main belonging to the Village. The Village will hold the owner of the premises responsible and liable for any damage to its property or injury to the employees of the Village caused by such ground wire. Any and all persons, firms, corporations, and customers shall remove any existing ground wires immediately, and if such ground wires are not removed after twenty four (24) hours' written notice, the Village, through its officials, may enter the property and remove such ground wires, and the customer shall pay all costs.
- (I) Any service which has had no consumption for twenty four (24) consecutive months shall be abandoned and disconnected at the main by the Village, per Gas Utilities Alliance regulations. The cost of reconnection and a new pressure test shall be borne by the property owner. Any meter on a multiple service which has had no consumption for twenty four (24) consecutive months shall be removed.
- (J) If the owners of property within the corporate limits of Morton desire that the property they own obtain gas service, it must be obtained from Morton unless a gas main is not available to provide the service or unless service is currently being provided by Ameren pursuant to prior agreement by Morton. Morton has sole discretion in determining whether a gas main is available. Propane tanks are prohibited as a source for gas service to any residential, commercial or industrial property within the Village of Morton which is served by or can be served by Morton or by Ameren pursuant to an agreement by Morton, except (a) propane tanks may be used as a source for gas service in any residential, commercial or industrial property within the Village of Morton during the construction and prior to the installation of natural gas service to the residential, commercial or industrial property within the Village; or (b) of any residential, industrial or commercial property which on the sixth day of November, 2017 which was located within the Village and which could be served by Morton or by Ameren pursuant to an agreement by Morton but which was not then served by Morton or Ameren but instead was served by propane tank, which property shall be grandfathered and shall not be required to comply with the terms of this ordinance until such time as the propane tank which exists on the property on November 6, 2017 no longer functions, at which time such property's grandfathered status shall terminate. (Ord. 96-12, 7-1-96; amd. Ord. 12-09, 7-30-12; amd. Ord. 17-31, 12-18-17)

8-2-11: **METER READING CONCLUSIVE:** All gas customers shall be liable for the gas consumption as shown by the meter. Waste, leakage, or other causes not the fault of the Village shall be included under said liability. The meter reading shall be conclusive, provided that:

- (A) When a meter is found to have a positive average error (i.e., is fast) in excess of two percent (2%) in tests made at the request of the customer, the Village shall refund to the customer an amount equal to the excess charged for the gas incorrectly metered, for a period equal to one-half (1/2) of the time elapsed since the previous test, but not to exceed six (6) months. No portion of a customer charge will be refunded.
- (B) When a meter is found to have a negative average error (i.e., is slow) in excess of two percent (2%) in tests made at the request of the customer, the Village may make a charge to the customer for the gas incorrectly metered, for a period equal to one-half (1/2) of the time elapsed since the previous test, but not to exceed six (6) months.
- (C) When a meter is found not to have registered for any period, the Village shall estimate the charge for the gas used by averaging the amounts registered over a similar period, preceding or subsequent thereto, or over corresponding periods in previous years. (Ord. 96-12, 7-1-96)

8-2-12: **TEST OF METERS:** Any consumer may request the Village to make a test of the accuracy of a meter in use for gas service. The consumer shall, however, be required to deposit with the Village the sum of seventy-five dollars (\$75.00) for a meter having a capacity of up to four hundred (400) cubic feet per hour, two hundred dollars (\$200.00) for a meter having a capacity of more than four hundred (400) cubic feet per hour and up to one thousand (1,000) cubic feet per hour, and an amount estimated by the Village for any meter having a capacity of more than one thousand (1,000) cubic feet per hour, to cover the cost of removing, testing, and replacing such meter prior to the making of such test. In the event such meter is found, by testing, to register incorrectly at twenty percent (20%) full capacity, by more than two percent (2%), then the test deposit shall be refunded, and Section 8-2-11 of this Chapter shall be applied. In the event the meter is found to be registering correctly ($\pm 2\%$), the consumer shall forfeit the test deposit, and such funds shall be deposited in the Village Gas Fund. (Ord. 96-12, 7-1-96; amd. Ord. 05-43, 2-6-06)

8-2-13: **SEPARATE METERS FOR EACH DISTINCT PREMISES:** No person, firm, or corporation shall connect any gas service pipe or transmit gas supplied by the Village's natural gas system into more than one (1) distinct premises, dwelling, or consumer unit from one (1) meter. Each dwelling unit in apartment buildings or duplex dwellings shall be serviced by individual meters. The Village shall have the right to establish special services or service connections as may be necessary or desired for large users. (Ord. 96-12, 7-1-96)

8-2-14: **METER, REGULATOR, OR VILLAGE-OWNED EQUIPMENT DAMAGED:** Whenever a meter, regulator, or other equipment of a service connection which has been installed by the Village is found to have been damaged for any cause whatsoever, such damages shall become the liability of the customer who shall pay the Village the actual cost of removal, repair, and/or replacement of such damaged equipment. In the event such damage has caused inaccurate metering, then such gas bills shall be corrected as provided in Section 8-2-11 of this Chapter. (Ord. 96-12, 7-1-96)

8-2-15: **GAS RATE SCHEDULE:**

- (A) The rates and charges for the use of service of the Morton Municipal Gas Company shall be established from time to time by the Village Board of Trustees. Such rates and charges shall be made and collected against each consumer who shall directly or indirectly receive gas from said utility, and the rates and charges shall be based upon the quantity of gas used by each consumer as measured by the gas meter. Such charge shall, in any event, commence upon the date that the installation of the gas meter is complete.

- (B) The charge for gas shall be determined monthly, as follows:
1. The SPW shall determine the total cost of gas purchases during the previous month, said cost shall include all storage, usage, transportation, demand, shrinkage, and other costs of purchase incurred.
 2. The SPW shall determine the total volume of gas purchased the previous month.
 3. The total cost of gas purchased divided by the volume purchased will equal the average cost of gas on a per-therm basis. One (1) therm shall be deemed to equal one hundred (100) cubic feet.
 4. The rate to be charged to users of gas shall be the average cost per therm, as calculated monthly, plus the gross mark-up per therm, as follows:
 - (a) Effective May 1, 2009: sixteen cents (\$0.16) per therm
 - (b) Effective May 1, 2010: eighteen cents (\$0.18) per therm
 - (c) Effective May 1, 2011: twenty cents (\$0.20) per therm
(amd. Ord. 01-29, 12-3-01; amd. Ord. 08-39, 3-2-09)
 5. Rates shall be charged for residential service and for commercial/industrial service. Small commercial/industrial service shall be those users with a meter of a capacity less than one thousand (1,000) cubic feet per hour. Large commercial/ industrial service shall be those users with a meter of a capacity of one thousand (1,000) or more cubic feet per hour.
 6. The gross charge for residential service shall be allocated on a uniform basis with a constant progression, based on the following usage:

First 30 therms: $125\% \times$ (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.

Over 30 therms: $105\% \times$ (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.
 7. The gross charge for small commercial/industrial service shall be allocated on a uniform basis with a constant progression, based on the following usage:

First 150 therms: $115\% \times$ (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.

Next 650 therms: $105\% \times$ (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.

Over 800 therms: $102.5\% \times$ (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.
 8. The gross charge for large commercial/industrial service shall be allocated on a uniform basis with a constant progression, based on the following usage:

First 600 therms: $105\% \times$ (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.

Next 2,400 therms: 102.5% x (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.

Next 12,000 therms: 101% x (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.

Over 15,000 therms: 99.5% x (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.

9. There shall be a customer charge for service each month for each classification. Said gross charge shall be issued to all users within thirty (30) days of the installation of the service line by the Village, and a bill shall be issued each month thereafter, based on the rates herein, unless gas service is discontinued pursuant to the request of the users, the property owner, or the Village. Effective May 1, 2009, the customer service charge for each classification shall be as follows:

(a) Residential Service	\$ 8.25 per month
(b) Small Commercial / Industrial Service	13.00 per month
(c) Large Commercial / Industrial Service	20.00 per month

For those existing customers outside the Village limits, there shall be, in addition to the customer service charge, a supplemental service charge of six dollars (\$6.00) per month.

Hereafter, there shall be an automatic five percent (5%) increase to these customer service charges on May 1, 2010 and May 1, 2011. (amd. Ord. 08-39, 3-2-09; amd. Ord 17-20, 9-5-17)

- (C) The Illinois Utility Tax and any other taxes now or hereafter effective or to be levied on operation or revenues of the gas system in the future shall be applied uniformly and directly to all charges for gas service as additional charges.
- (D) The Village Board shall have the right to establish special rates or contracts for gas service to special industrial or special service use. (Ord. 96-12, 7-1-96)

8-2-16: **NO FREE GAS:** No free gas shall be furnished to any person, firm, organization, or corporation, public or private, and all rates and charges shall be nondiscriminatory, provided that the Village Board reserves the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust. If the Village should elect to supply itself with gas for any purpose, regular rates thereof shall be charged the proper department and payment made as by any other customer. (Ord. 96-12, 7-1-96)

8-2-18: **SERVICE DISCONTINUED; DANGEROUS CONDITIONS:**

- (A) The Village reserves the right to discontinue without notice gas service to any premises where a dangerous condition is found to exist. No customer shall be permitted to use the stopcock of the service disconnection for shutting off gas while making extensions, additions, or repairs to the pipe or equipment on the premises. Such shutoff, discontinuance, or interruption of service shall be made only by the Village's properly authorized employees.

- (B) When the fraudulent use of gas is detected, or where the Village regulating or measuring equipment has been tampered with, or where a dangerous condition is found to exist on the customer's premises, service may be shut off without notice. Where such gas service is shut off or stopped, whether by the Village or at the request of the property owner, tenant, or occupant, the gas shall not again be turned on or supplied to the premises until the problem is corrected (in the judgment of the SGD and the SPW), and the shutoff fee of fifty dollars (\$50.00) is paid. (Ord. 96-12, 7-1-96; amd. Ord. 00-36, 11-6-00)

8-2-19: **VILLAGE NOT LIABLE FOR AN INTERRUPTION OF SERVICE OR SUPPLY:**

- (A) The Village shall have the right to shut off the supply of gas whenever it is necessary to make repairs or improvements, enforce rules, or for any operating reason. When possible, a reasonable notice of the circumstances will be given to the customers, but in an emergency, the gas may be shut off without notice. Such necessary repair work will be made by the Village as rapidly as may be practical. The Village shall not be held responsible or liable because of any shutoff or discontinuance of service for any direct or resultant damages to any person, company, or customer.
- (B) In the event of such discontinuance of gas service, the Village will make every attempt to safeguard the customer, and service shall not be renewed until Village authorities have purged the lines and put into service all automatic controls and pilots. In no case shall the customer turn on his own service. The purging of lines, relighting pilots, and checking automatic controls will be done by the Village. Where the nature of the customer's operations are such that an interruption of service might create a hazard or large economic loss, such customer shall provide facilities for standby service at his discretion.
- (C) Whenever mains, pipes, service connections, or other facilities of the gas system are taken up, shut off, or interfered with by reason of any street improvements, the Village will endeavor to maintain service so far as is reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure, or inconvenience of any kind, either to the customers or property adjacent or to other customers or other property affected thereby.
- (D) The Village expressly stipulates with all customers and other persons who may be affected by the discontinuance of service that it will neither ensure nor be responsible or liable in any manner for any loss or damages, direct or indirect, by any reason of any fire, or any other cause, and all gas service furnished shall also be conditional upon acts of God, inevitable accidents, fire, strikes, riots, or any other cause. (Ord. 96-12, 7-1-96)

8-2-20: **COMPLAINTS:** All questions and complaints shall be made to the Village Gas Department, which shall be responsible for the proper investigation and required maintenance. Complaints received by the Village shall be identified by the name and address of the customer, the date, the nature of the complaint, and the remedy of same, and shall be kept as a permanent record of the Village. (Ord. 96-12, 7-1-96)

8-2-21: **RESALE:** No gas shall be resold or distributed by the recipient thereof from the Village supply to any premises other than that for which application has been made and the gas service installed. (Ord. 96-12, 7-1-96)

8-2-22: **TAMPERING WITH METER, REGULATOR, OR ANY PARTS OF THE GAS SYSTEM BELONGING TO THE VILLAGE:** It shall be unlawful for any person, firm, corporation, or customer to break the seal of any meter, to make any alterations, changes, or repairs on same, to open any mains, service pipes, laterals, stopcocks, valves, or any part thereof, or to otherwise tamper with or attempt to do any work on either or any of them without authority of the Village or its properly authorized agent. Any person who shall violate any of the provisions of this Section or who shall wilfully or maliciously injure or damage any property connected with the Village gas system shall be subject to the penalties provided in this Chapter. (Ord. 96-12, 7-1-96)

8-2-23: **DEPOSIT OF RECEIPTS:** The Village Treasurer shall receive all of the revenues derived from the Village gas system and all other moneys and funds incidental to the operation of said system, and shall deposit same in a separate bank account for such funds, separately from all other funds of the Village. He shall administer the gas fund in every respect in manner and form as provided by law, in accordance with the provisions heretofore adopted by the President and Board of Trustees pertaining to the construction, maintenance, and operation of said Village gas system, and he shall establish a proper system of accounts separate and apart from all other records and accounts he may be required to keep as such Treasurer. (Ord. 96-12, 7-1-96)

8-2-24: **SEVERABILITY CLAUSE:** If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter. or any part thereof, or application thereof to any person, firm, corporation, public agency, or circumstance, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. It is hereby declared to be the legislative intent of the Village Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid section, subsection, paragraph, sentence, clause, or phrase, or any part thereof, not then been included. (Ord. 96-12, 7-1-96)

CHAPTER 3

WASTEWATER TREATMENT AND COLLECTION SYSTEM

SECTION:

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8-3-1: **WASTEWATER TREATMENT DEPARTMENT:**

8-3-1.1: **ESTABLISHMENT OF WASTEWATER TREATMENT DEPARTMENT:** There is herewith established a Wastewater Treatment Department to be supervised by the Superintendent of Public Works (SPW), and which Department shall see to the operation of the wastewater treatment and collection system of the Village, under the terms and provisions of this Chapter, or such other ordinances or amendments hereto, as may from time to time be enacted by the President and Board of Trustees of this Village. (Ord. 96-4, 6-3-96)

8-3-1.2: **SUPERINTENDENT OF WASTEWATER TREATMENT DEPARTMENT; OFFICE CREATED:** There is hereby created the office of Superintendent of the Wastewater Treatment Department. The Superintendent shall at all times act under the direct control of the Superintendent of Public Works, and shall be the head of the Wastewater Treatment Department, and shall have charge of all property and equipment pertaining thereto, and supervision over all employees therein. (Ord. 96-4, 6-3-96; amd. Ord. 00-38, 11-20-00; amd. Ord. 04-05, 6-7-04)

8-3-1.3: **SUPERINTENDENT'S POWERS AND DUTIES:** It shall be the duty of the Superintendent of the Wastewater Treatment Department to:

- (A) Conduct tests thereon;
- (B) Keep records of actions taken and examinations, inspections, and tests made;
- (C) Make a monthly report of his acts and doings to the Superintendent of Public Works;
- (D) Advise the public, when requested, in the matter of regulations relating to the wastewater treatment and collection system; and
- (E) Enforce all provisions of this Chapter, under the supervision of the Superintendent of Public Works. (Ord. 96-4, 6-3-96)

8-3-2: **DEFINITIONS:** Whenever the following terms are used in this Chapter, they shall have the meaning indicated:

BOD (Biochemical Oxygen Demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter (mg/l).

BASIC USER CHARGE: The basic assessment levied on all users of wastewater facilities.

CLARIFICATION OF WORD USAGE: "Shall" is mandatory; "may" is permissible.

COMBINED SEWER OR COMBINATION SEWER: A sewer which is designed and intended to receive wastewater, storm, and surface drainage.

CONTROL MANHOLE: An approved structure to provide access for Village personnel to sample and/or measure discharges.

DOMESTIC SEWAGE OR SANITARY SEWAGE:	The waste or discharge from any toilet or other household plumbing fixtures, wash water and dish water, interior basement drainage, and other dirty water from places of human residence, but not including industrial wastes, or wastes from business or commercial buildings or institutions (such as laundromats, service stations, restaurants, hospitals, etc.). Domestic sewage is considered to have a BOD concentration of less than two hundred fifty (250) mg/l and a suspended solids concentration of less than two hundred fifty (250) mg/l.
FEDERAL ACT:	The Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.), as amended by the Federal Water Pollution Control Act of Amendments of 1972 (Pub. L. 92-500 and Pub. L. 93-243).
GROUNDWATER:	Water which is contained in or flows through the ground.
INDUSTRIAL WASTES OR INDUSTRIAL SEWERAGE:	Any solid, liquid, or gaseous substance discharged, permitted to flow, or escaping from any industrial, manufacturing, commercial, or business establishment or process, or from the development, recovery, or processing of any natural resource as distinct from sanitary sewage.
MILLIGRAMS PER LITER:	A unit of the concentration of water or wastewater constituent, it is 0.001 grams of the constituent in 1000 milliliters (1 liter) of water; commonly notated "mg/l".
NATURAL OUTLET:	Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
NPDES PERMIT:	The current permit governing operation of the Village wastewater treatment plants.
PPM:	Parts per million by weight.
SPW:	Superintendent of Public Works.
SANITARY SEWER:	A sewer intended to carry domestic sewage and such industrial wastes as may be permitted, without the admixture of storm water or groundwater.
SEWAGE, SEWERAGE, OR WASTEWATER:	The spent water of a community, it may be a combination of the liquid and water-carried wastes from residences, industrial plants, commercial buildings, and institutions, together with any groundwater, surface water, and storm water that may be present.
SEWER:	Any outside conduit, pipe, or structure used for conveying sewage of any kind, including all manholes, pumping plants, intercepting chambers, and other appurtenances thereto.
SEWER SPECIFICATIONS:	"Standard Specifications for Water and Sewer Main Construction in Illinois" (most recent edition).
SLUG:	Any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration of flows during normal operation.

STANDARD METHODS:	The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.
STORM SEWER:	A sewer which is intended to carry storm and surface water, but no domestic or sanitary sewage or industrial wastes.
STORM WATER:	That portion of rain, snow, or sleet which flows over the surface of the ground.
SURCHARGE:	The assessment, in addition to the basic user charge, which is levied on those users whose wastes are greater in strength than concentration values established herein.
SUSPENDED SOLIDS (SS):	Solids that either float on the surface of, or are in suspension in, water, sewage, or industrial wastes, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".
USER:	Any individual, firm, company, association, society, corporation, or group that discharges sewage to the wastewater treatment works of the Village of Morton.
VILLAGE:	The Village of Morton.
WASTEWATER SERVICE CHARGE:	The charge per month levied on all users of the wastewater facilities. The service charge shall be computed as outlined herein and shall consist of the total of the basic user charge, a debt service charge, a surcharge, and a depreciation charge. (Ord. 96-4, 6-3-96)

8-3-3: **PENALTIES:**

8-3-3.1: **REVOCAION OF PERMIT OR LICENSE:**

- (A) The license of any sewer contractor or the permit to perform any sewer construction or repair work, as required in this Chapter, shall become void whenever the licensee or permittee shall refuse or neglect, within ten (10) days' time after written notice thereof, to make such necessary corrections to the sewer work, either in workmanship or material, as shall have been ordered by the SPW. This time period may be extended by the Superintendent upon a proper showing of adequate cause by the licensee or permittee.
- (B) Such license or permit shall become void if such licensee or permittee shall permit the use of his name or license by another person or persons for the purpose of performing any sewer work. (Ord. 96-4, 6-3-96)

8-3-3.2: **MONETARY PENALTY FOR VIOLATION OF CHAPTER:** Any person, firm, corporation, or customer who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of, any provision of this Chapter shall, upon conviction thereof, be subject to a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Chapter shall continue. (Ord. 96-4, 6-3-96; amd. Ord. 99-37, 12-6-99)

8-3-3.3: **SEPARABILITY OF PENALTIES:** The penalties provided in Sections 8-3-3.1 and 8-3-3.2 of this Chapter shall not be construed as precluding each other or any other penalties and costs provided elsewhere in this Chapter. (Ord. 96-4, 6-3-96)

8-3-4: **CONSTRUCTION REGULATIONS, GENERAL:** All sewers in the Village and all sewers to be connected to the Village sewer system shall be constructed in accordance with the applicable portions of the latest edition of the "Standard Specifications for Water and Sewer Main Construction in Illinois", hereinafter referred to as "Sewer Specifications". A copy of same is available for reference and may, from time to time, be available for purchase in the Department of Public Works. (Ord. 96-4, 6-3-96)

8-3-4.1: **SEWER CONTRACTORS; LICENSE, BOND, FEE:**

- (A) Any person who desires to engage in or who shall hereafter at any time engage in the business of the construction, alteration, or repair of any sewer, sanitary connection, or storm drain within the Village shall, before commencing such work, make application to the SPW, or his designee, for a license as a sewer contractor, and shall deliver to the SPW, or his designee, his certificate of insurance with minimum liability of five hundred thousand dollars (\$500,000.00) per occurrence, and his certificate of bond, with one corporate surety to be approved by the Village Board of Trustees in the amount of twenty five thousand dollars (\$25,000.00), payable to the Village, conditioned that such person shall indemnify and save harmless the Village, its officers, and employees, of and from all liability for damages to persons or property by reason of or resulting directly or indirectly from the construction, alteration, maintenance, or repair by such person of any sewer, sanitary connection, or storm drain, or any work or act of omission or commission incidental thereto, or in connection therewith; conditioned further upon the conformance by such person with all provisions of this Chapter with respect to such work; and conditioned further upon the restoration by such applicant of any street, alley, sidewalk, right of way, easement, or pavement disturbed by him, so as to leave same in as good condition as before the work commenced, as determined by the SPW; provided, however, that any owner of a single-family residence or multi-family dwelling personally doing work on his own property shall not be considered a sewer contractor for the purposes of this Section, providing said work does not include any activities on public right of way or utility easements. Applicant must be able to demonstrate to the SPW that he has previous experience in the field, and that past work performance has been acceptable, as well as demonstrating knowledge of the "Sewer Specifications." Applicant must also obtain and maintain in his files a copy of this Ordinance, as well as a copy of "Sewer Specifications." (Ord. 04-53, 3-7-05)
- (B) Upon approval of the applicant by the SPW, or his designee, and of the bond by the SPW, or his designee, shall forthwith issue to such applicant a license to engage in the construction, alteration, or repairs of sewers, sanitary connections, and storm drains in said Village. Each application for such license shall be accompanied by a fee of one hundred dollars (\$100.00), and such license shall be in effect from May 1 of each year through April 30 of the following year. If a contractor engages in any work for which a license is required under this Chapter, prior to obtaining said license, then the fee shall be doubled. (Ord. 96-4, 6-3-96; amd. Ord. 03-02, 7-7-03; amd. Ord. 04-53, 3-7-05; amd. Ord. 12-04, 6-4-12)

8-3-4.2: CONSTRUCTION OF SEWER, HOUSE SANITARY CONNECTION, OR STORM DRAIN; APPLICATION AND PERMIT REQUIREMENTS:

- (A) No sewer of any kind (public, private, or house sanitary connection) or house storm drain shall be constructed or made, altered, or repaired, nor shall any connection of any sewer, either public or private, be constructed or made, altered, or repaired, without first having obtained from the SPW a written permit therefor. No permit shall be issued for such construction, alteration, or repair work, until the plans and specifications therefor, or required data concerning same, have first been submitted to and approved by the SPW. Before issuing such a permit, an application may be required to be filed with the SPW. The application shall be signed by either the owner of the premises on which the proposed work is to be done or the licensed sewer contractor, and shall be accompanied by a complete and legible set of plans and specifications of the work to be done, or in lieu thereof, such written description or information as shall be acceptable to the SPW. All details concerning the construction of any new sewer or house storm drain and their appurtenances shall be subject to the approval of the SPW. (amd. Ord. 10-24, 12-6-10)
- (B) A permit and inspection fee of fifty dollars (\$50.00) shall be paid to the Village at the time the application is filed. If work has already begun before the aforesaid permit is obtained, then the permit fee shall be increased to one hundred dollars (\$100.00). The fee shall not be due if the work performed is done in accordance with and pursuant to the provisions of Ordinance 93-26, which prescribes the perimeter tile disconnection program, as now in effect, or as may from time to time be amended. The applicant, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.
- (C) A sewer permit will only be issued and a sewer connection will only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewer, pumping stations, and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- (D) All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may be occasioned, directly or indirectly, by the installation of the building sewer.
- (E) In the case of sewer construction in new subdivisions or planned residential developments, the plans as approved by the SPW, along with the properly executed "construction permit" as required by the Illinois Environmental Protection Agency (IEPA), and the payment of all fees, including but not limited to the fee for annexation, sewer tap-on, and the like, relative to subdivision or planned residential development construction, as required elsewhere in this Code, shall satisfy the permit requirements of this Chapter. This provision, however, shall not be construed to exempt such person or activity from all other requirements specified in this Chapter.
- (F) Any discharge by any person into the sewer system is unlawful except those discharges in compliance with Federal standards promulgated pursuant to the Federal Act and more stringent State and local standards.
- (G) No basement, half-basement, or any other portion of a building having a floor elevation beneath the elevation of the rim of the next manhole upstream of the point of connection may be connected into the Village sewer by gravity. In areas where the ground line over the Village sewer is to be altered, the proposed final ground elevation shall be used. The maximum depth to the top of the building service sewer shall be three feet (3') below finished grade at the point where it enters such building. In all buildings in which the building drain is too low to provide gravity flow to the Village sewer, all sewage carried by such drain shall be lifted by approved mechanical means and discharged into the building sewer. No water-operated sewage ejector shall be used. The aforesaid provisions shall apply to all buildings constructed after March 1, 1994. (Ord. 96-4, 6-3-96; amd. Ord. 03-02, 7-7-03)

- (H) All new, altered, or repaired sanitary sewer laterals shall be constructed with a clean out installed between the building and the right-of-way line. In the absence of any right-of-way line, the clean out will be installed between the building and the lateral's connection to the Village sewer main. The configuration and location of the clean out must be approved by the Village, and the clean out shall comply with all other provisions of Section 8-3-4.2, (amd. Ord. 07-12, 6-4-07)

8-3-4.3: SEWER CONNECTIONS:

- (A) In every case of a proposed sewer connection, notice shall be given to the SPW specifying the time and place where the work is to commence. Such notice shall be in writing, and given at least one full day prior to the commencement of the work.
- (B) Sewer laterals from an old building may be used in connection with new buildings, only when they are found, upon examination and test by the SPW, to meet all requirements of this Chapter. The cost of the examination and test shall be borne by the owner. If an existing lateral is approved for use, a clean out shall be installed, in accordance with Section 8-3-4.2(H). (Ord. 96-4, 6-3-96; amd. Ord. 07-12, 6-4-07)

8-3-4.4: CHANGE IN PLANS: Any changes or modifications in the proposed work shall be considered as new work, and no such changes or modifications shall be installed or made without a supplementary permit issued therefor, subject to the same terms and conditions as hereinabove required. (Ord. 96-4, 6-3-96)

8-3-4.5: WORKMANSHIP: All workmanship in connection with the construction of any sewer, house sanitary connection, or house storm drain shall be of such character as to fully secure the results sought to be obtained by all provisions of this Chapter. (Ord. 96-4, 6-3-96)

8-3-4.6: DISCONTINUANCE OF WORK: Any person to whom a permit has been issued and who shall neglect, refuse, or fail to make good any defect or fault in any work done or materials used thereunder, within ten (10) days after written notice thereof from the SPW, shall not be permitted to do any further or additional work of constructing or repairing any sewer, connection, drain, or appurtenances in the Village, and the license and permit of such person shall be revoked by the SPW, in accordance with Section 8-3-3.1 of this Chapter. (Ord. 96-4, 6-3-96)

8-3-4.7: EXPIRATION OF PERMIT: Whenever any work for which a permit has been issued hereunder is not commenced within thirty (30) days after the issuance of said permit, or if the work is not satisfactorily prosecuted after its commencement and completed within ninety (90) days, such permit will be considered as having expired, and shall be null and void. (Ord. 96-4, 6-3-96)

8-3-4.8: TESTING OF SANITARY SEWERS; MATERIAL AND METHODS:

- (A) Prior to acceptance by the Village, all sewers shall be cleaned by the owner to the satisfaction of the SPW, and at no cost to the Village.
- (B) Only methods and materials approved by the SPW may be used for new construction and for the repair of existing sewers.
- (C) Testing may be required before Village acceptance of a sewer, and may include, but not necessarily be limited to, daylighting, inflow/infiltration, televising, deflectometer, and air testing. (Ord. 96-4, 6-3-96)

8-3-5: HOUSE SANITARY CONNECTIONS AND STORM DRAINS; CONSTRUCTION:

8-3-5.1: FUNCTIONS OF HOUSE CONNECTIONS AND DRAINS:

- (A) The domestic sewage from residences, human habitations, institutions, business buildings, stables, garages, and industries shall be conveyed from said structures in a conduit or pipe, herein termed "house sanitary connection". The connection shall extend to a public separate sanitary sewer if such sewer serves the property. No storm water, groundwater, or surface water shall be permitted to enter this house sanitary connection. The owner/user is responsible for maintaining a clear conveyance of sanitary sewer water through this lateral from the structure, up to and including the tee into the Village main. In the event of a requirement to dig up the lateral to repair a failure in the lateral, the owner/user owns and is responsible for the maintenance and repair of this lateral from the structure to the Village right-of-way. The Village is responsible for the portion of the lateral, tee, and the Village main residing in the Village right-of-way. (amd. Ord. 07-06, 5-21-07)
- (B) Sanitary or domestic sewage shall be taken to include basement floor drainage; this shall not, however, include any storm or groundwater intentionally conveyed to the basement floor, and from said basement floor to and into the sanitary sewer system.
- (C) Sump pumps and footing perimeter tiles are expressly prohibited from discharging into the sanitary sewer.
- (D) Backwash or other washwater from swimming pools shall drain to the sanitary sewer. (Ord. 96-4, 6-3-96)

8-3-5.2: INDEPENDENT CONNECTIONS AND DRAINS: Each residence, institution, or business building shall have and maintain its own separate house sanitary connection. A house sanitary connection shall not be permitted to serve two (2) such adjacent residences or other units except under abnormal circumstances, and then, only with the written permission of the SPW. (Ord. 96-4, 6-3-96)

8-3-5.3: MATERIALS AND CONNECTIONS: All materials, joints, and connections for house sanitary connections shall conform to the applicable portions of "Sewer Specifications", as amended herein. Said conformance shall include the entire sewer service line, from the Village main to the point where the sewer comes up above the floor inside the building. The house sanitary connection shall have a minimum inside diameter of six inches (6"). (Ord. 96-4, 6-3-96)

8-3-5.4: PIPES TO BE CLOSED:

- (A) The ends of all pipes abandoned or not to be immediately connected shall be securely stopped by methods and materials approved by the SPW. The house sanitary connection shall remain plugged or otherwise secured against receiving storm water and/or groundwater from the time it is installed, either partially or completely, until the structure it is to serve is completely framed, roofed, and graded to the extent that storm water and/or groundwater cannot enter this pipe.
- (B) Under no circumstances will it be permissible to allow the storm water or groundwater that accumulates in the foundation and basement areas of buildings under construction to drain through the house sanitary connection. Any violation of this Section shall be subject to the penalty provisions of this Chapter. (Ord. 96-4, 6-3-96)

8-3-5.5: BACKWATER: Where the plumbing system of a building may be subjected to backflow of sewage or water, suitable provision shall be made to prevent overflow into the building by the installation of a satisfactory backwater valve or valves, or other satisfactory means. Said installation shall be the responsibility of the property owner. (Ord. 96-4, 6-3-96)

8-3-5.6: COMBINED SEWER:

- (A) New construction tributary to a combined sewer system must be designed to minimize inflow contribution to the combined system. Any new building domestic waste connection shall be distinct from the building inflow connection, to facilitate disconnection if a storm sewer becomes available. (Ord. 96-4, 6-3-96; amd Ord. 04-32, 9-7-04)
- (B) Inflow sources on the combined sewer shall be connected to the storm sewer within sixty (60) days of the time a storm sewer becomes available.
- (C) Any combined sewer overflow impact from non-domestic sources shall be minimized by determining which non-domestic discharges, if any, are tributary to a combined sewer overflow and in order to control pollutants in these discharges, the Village may do as follows:
 1. Require pretreatment to an acceptable condition for discharge into the public sewer.
 2. Require control over the quantities and rates of discharge.

8-3-6: INSPECTIONS AND TESTS:**8-3-6.1: INSPECTION:**

- (A) All piping and appurtenances of any sewer or house sanitary connection shall be inspected by the SPW or his representative to ensure compliance with all the requirements of this Chapter, and to ensure that the installation and construction of the system are in accordance with the approved plans and specifications.
- (B) The SPW and other duly authorized employees of the Village, the IEPA, and the U.S. Environmental Protection Agency (USEPA), bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this Chapter.
- (C) It shall be unlawful for any person to make use of any new, reconstructed, or repaired sewer, or any part thereof, which has not been inspected and approved. The SPW is hereby authorized to disconnect any such newly constructed, reconstructed, or repaired sewer in operation, which has not been inspected and approved, and he may enter upon any public or private property for the purpose of such disconnection. It shall be the responsibility of the owner or his agent to reinstate, at his expense, by the approved methods and materials specified in this Chapter, any service so disconnected. (Ord. 96-4, 6-3-96)

8-3-6.2: NOTIFICATION:

- (A) It shall be the duty of the owner or his agent to notify the SPW or his representative, by telephone or in writing, not less than two (2) working hours before the inspection is requested to set a time for said inspection. If an inspection is desired outside of normal working hours or on a weekend or holiday, prior arrangements must be made. If such an inspection is allowed, the owner or his agent shall be responsible for such additional charges incurred by the Village, due to the inspection being requested outside of normal working hours. If the weekend or holiday or after-hours inspection is not considered feasible by the SPW, then the work must be scheduled such that the inspection can be accomplished during a normal work day.
- (B) If the SPW finds, on inspection, that the work or materials are not satisfactory, the owner or his agent shall remedy said defect and then renotify as in subsection (A) above for a reinspection. One reinspection will be done for the original permit/inspection fee. If, upon reinspection, the work or materials are still not acceptable, an additional permit/inspection fee will be levied.

- (C) No sewer excavation shall be backfilled until said sewer has been inspected and approved. (Ord. 96-4, 6-3-96)

8-3-6.3: **CONDEMNED MATERIALS:** The presence of any material near the site of the work, other than that approved, shall be sufficient cause for condemning part or all of the work. (Ord. 96-4, 6-3-96)

8-3-6.4: **DEFECTIVE WORK:** Whenever inspection discloses work which does not conform to the requirements of this Chapter, such defective work shall be corrected immediately, and the work shall be reinspected. (Ord. 96-4, 6-3-96)

8-3-7: **USE AND PROTECTION OF THE SEWER SYSTEM:**

8-3-7.1: **PURPOSE OF THE SANITARY SEWER SYSTEM:** The separate sanitary sewer system of the Village has been designed and built to carry away domestic sewage and industrial and commercial wastes as permitted, and has not been designed to carry storm water, surface water, or groundwater. Any act which shall cause any storm or surface water or groundwater to be conveyed to the sanitary sewers shall be directly contrary to the provisions of this Chapter, and is strictly prohibited. (Ord. 96-4, 6-3-96)

8-3-7.2: **USE OF PUBLIC SEWERS REQUIRED:**

(A) All property owners within the Village are required to attach any operating human waste disposal systems on their property to available sanitary sewer mains, in such a manner that no sewage is discharged except into said sanitary sewer mains. For the purpose of this Section, "available sanitary sewer main" shall mean any sanitary sewer main within two hundred feet (200') of any property line describing the lot in question which is tributary to the Village's wastewater facilities. Connection to an available sanitary sewer main is not required if the property has a septic system in effect on August 1, 2006 and the system is more than six hundred feet (600') from the sanitary sewer main. (amd. Ord. 06-22, 9-5-06)

(B) In those cases where there is an existing residential or commercial structure that is a source of domestic sewage, and that predates the "available sanitary sewer main" as defined herein, and is situated at a distance of two hundred feet (200') or less, measured normally from said main, the Board of Trustees may, by resolution, modify the mandatory connection provision of this Section. If a property is not required to connect to the sewer system, wastewater service charges will be applicable as if the property were connected. (Ord. 96-4, 6-3-96)

If the Board of Trustees, by resolution, waives the mandatory connection provision and the property owner cannot reasonably obtain access to the sanitary sewer due to inability to secure easement or right of way across or along private property, then the Board may, at its sole discretion, waive the wastewater service charges. (Ord. 09-15, 7-6-09)

If the property owner is not notified in writing at least one hundred twenty (120) days prior to the construction of the sanitary sewer that comes within two hundred feet (200') of the property, the Village will reimburse up to thirty five hundred dollars (\$3500.00) of the cost of the connection in the Village right-of-way, upon submission of paid invoices. Property owner notification shall include the developer's name, address, and phone number; the approximate cost of providing a tee and lateral after the sanitary sewer is completed; and a copy of this ordinance. (amd. Ord. 07-13, 6-4-07)

8-3-7.3: **PROVISIONS FOR DISCHARGE OF WASTE AND SEWAGE:**

(A) Discharge of human waste at any time, in such manner or location so as to create a health hazard, shall be a violation of this Section, and said violation shall be subject to the penalties of this Chapter.

- (B) The discharge of sewage in violation of any of the provisions of this Section shall constitute and is hereby declared to constitute a public nuisance.
- (C) No existing septic tank or cesspool shall be connected in any way, directly or indirectly, to the public sewer system. Any septic tank or cesspool discovered due to required maintenance, repair, or pumping, shall be emptied, backfilled, and bypassed within thirty (30) days.
- (D) No building permit for the construction of any new structure or the expansion of an existing structure within the Village shall be granted until the owner applying for such construction permit shall furnish plans and specifications conforming to the provisions of this Chapter to the SPW, such that the domestic sewage therefrom shall be discharged into said sanitary sewer system in the manner and by the means herein prescribed.
- (E) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste.
- (F) It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- (G) No person shall discharge, or cause to be discharged, any storm water, surface water, groundwater, roof runoff, or subsurface drainage into a separate sanitary sewer. Storm water and all other unpolluted drainage shall be discharged into such sewers specially designated as combined sewers or storm sewers, or to a natural outlet approved by the SPW. Industrial cooling water or unpolluted process waters may be discharged by approval of the SPW and the IEPA into a storm sewer, combined sewer, or natural outlet.
- (H) It shall be unlawful for any person to connect, or cause to be connected, any drain carrying, or to carry, any industrial wastes, any discharges from any toilet, sink, basement, septic tank, or cesspool, or any fixture or device discharging sewage or other polluting substances, to any storm sewer in the Village.
- (I) No person shall discharge, or cause to be discharged, any of the following described waters or wastes into any public sanitary or storm sewer, or any combined sewer:
1. Any gasoline, benzene, naphtha, fuel oil, motor oil, or other flammable or explosive liquid, solid, or gas.
 2. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.
 3. Any waters or gases containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or odor, or create any hazard in the receiving waters of the sewage treatment plant.
 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, including, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, paint, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- (J) No person shall discharge, or cause to be discharged, the following described substances, materials, waters, or wastes, if it appears likely, in the opinion of the SPW, that such wastes can harm either the sewers or the sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the SPW will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process and capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. Prohibited substances include:
1. Any liquid or vapor with a temperature higher than one hundred fifty degrees Fahrenheit (150°F) or sixty five degrees Centigrade (65°C).
 2. Any waters or wastes containing toxic or poisonous materials, or grease and oil, whether emulsified or not, in excess of one hundred (100) mg/l, or containing substances which may solidify or become viscous at temperatures between thirty two degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F), and zero degrees Centigrade (0°C) and sixty five degrees Centigrade (65°C).
 3. Any garbage that has not been properly shredded. The installation and/or operation of any garbage grinder equipped with a motor of three-quarter horsepower (3/4 hp) or greater shall be subject to the review and approval of the SPW, and users with such grinders shall automatically be considered to be commercial or industrial users.
 4. Any waters or wastes containing: Strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not; iron, chromium, copper, zinc, or similar objectionable or toxic substances; wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village, the IEPA, or the USEPA; phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Village as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other agencies of jurisdiction, for such discharge to the receiving waters.
 5. Any radioactive wastes or isotopes of such half-life or concentration that may exceed limits established by the Village in compliance with applicable State or Federal regulations.
 6. Any waters or wastes having a pH in excess of 9.5.
 7. Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time, or any cyanide in excess of 0.025 mg/l at any time, except as permitted by the Village in compliance with applicable State and Federal regulations.
 8. Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids, including, but not limited to, fuller's earth, lime slurries, and lime residues, or of dissolved solids, including, but not limited to, sodium chloride and sodium sulfate;
 - (b) Excessive discoloration, including, but not limited to, dye wastes and vegetable tanning solutions;
 - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
 - (d) Unusual volume of flow or concentration of wastes, constituting "slugs" as defined herein.

9. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(K) No person shall discharge, or cause or permit to be discharged, industrial wastes and sewage into any public sewer system which discharges, directly or indirectly, into the sewer system of the Village, without the approval of the SPW.

(L) If any waters or wastes are discharged, or proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this

Section, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, subchapter D, Water Programs, Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973, and any amendments thereto, and which, in the judgment of the SPW, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge into the public sewer;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges.

If the Village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the SPW, and subject to the requirements of all applicable codes, ordinances, and laws.

(M) Grease, oil, and sand interceptors shall be provided when, in the opinion of the SPW, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the SPW, and shall be located as to be readily and easily accessible for cleaning and inspection. All such facilities must be adequately and properly operated and maintained so as to prevent the discharge of such substances into the Village sewer system.

1. Foreign Matter In Sewers: No butcher's offal, garbage, dead animals, or liquids containing silt, hair, feathers, fibers, grease and oil in excess of one hundred (100) mg/l, or other obstructing materials shall be permitted to enter any public sewer.
2. Harmful Wastes In Sewers: Acid, corrosive, or harmful wastes, and wastes at a temperature higher than one hundred fifty degrees Fahrenheit (150°F) shall not be discharged into any public sewer.
3. Explosives; Flammable Matter In Sewers: No explosive or flammable matter shall be discharged into any public sewer.

In any cleaning establishments, buildings used for housing or repairing automobiles, gasoline and oil service stations, and other buildings or establishments where gasoline, oil, calcium carbide, or other explosive or flammable matter is stored, sold, or handled, the drains which are connected to the public sewers must be provided with an approved intercepting pit or tank, so constructed, located, and maintained so as to prevent the discharge of such substances into the Village sewer system.

- (N) Where preliminary treatment or flow-equalizing facilities or grease/oil/sand interceptors are provided, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense.
- (O) Any establishment, when required, shall install a control manhole with a minimum inside diameter of four feet (4'), together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the SPW. The manhole shall be installed by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- (P) The owner of any property serviced by a building sewer carrying wastes shall, when required, provide laboratory measurements, tests, and analysis of waters and wastes to illustrate compliance with this Chapter and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

The number, type, and frequency of laboratory analysis to be performed by the owner shall be as stipulated by the Village, provided that no less than once per year, the user must supply a complete analysis of the constituents of the wastewater discharge to assure that Federal, State, and local standards are being met. The Village reserves the right to approve the laboratory doing said testing, and the owner shall report the results of measurements and laboratory analysis to the Village at such times and in such manner as prescribed by the Village. In addition, the Village reserves the right to take measurements and samples for analysis by an outside laboratory service. The owner shall be responsible for the cost of all measurements, analysis, and reporting required by the Village.

The Village may perform the required measuring, sampling, and analysis if, in the opinion of the SPW, it is feasible. The Village shall be reimbursed for the cost of providing this service, as determined by the SPW.

- (Q) All measurements, tests, and analysis of the characteristics of waters and wastes, to which reference is made in this Chapter, shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined from samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of the constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a 24-hour composite of all outfalls of the premises is appropriate, or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.) The sampling point is at the discretion of the SPW.
- (R) No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern, whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefor by the industrial concern.
- (S) Any industry shall be required to notify the SPW when changes in the industry's processing might affect the characteristics of the wastewater being treated by the Village.
- (T) Uniform Recovery Costs: In the event an establishment or business does not have a control manhole, the said establishment or business shall pay, in addition to any other sewer and wastewater charges, the amount due as determined as follows:

1. The establishment or business shall be deemed to have the following concentrations:

	<u>BOD</u>	<u>Suspended Solids</u>
Retail Bakers	1350	600
Meat Processing, Grocery Store (with meat service)	900	600
Restaurant, Grocery Store (without meat service)	800	600

2. The establishment or business shall pay the rates set forth in Section 8-3-9.5 of this Chapter, as are in force from time to time.

3. The foregoing charges shall be due and payable monthly.

4. The SPW has full authority to determine whether an establishment or business falls within a particular category, and his determination shall be conclusive. In the event an establishment or business does have a control manhole as provided in this Chapter, then the foregoing charges shall not apply, and the establishment or business shall pay such charges as are determined pursuant to those establishments or businesses which have control manholes. (Ord. 96-4, 6-3-96)

8-3-7.4: SEWAGE TREATMENT REQUIRED:

(A) Where liquid wastes from any source are not discharged into a public sewer, such wastes shall be treated or disposed of so as not to endanger or contaminate any water supply that is or may be used for drinking or domestic purposes, or for bathing, or so as not to create any nuisance or unsanitary condition which shall be considered as a menace to the public health and safety.

(B) No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Morton Board of Health.

(C) When a public sewer becomes available, as described in subsection 8-3-7.2(A) of this Chapter, the building sewer shall be connected to said sewer within sixty (60) days, and the private sewage disposal system shall be cleaned of sludge and backfilled with approved material. (Ord. 96-4, 6-3-96)

8-3-7.5: INSPECTION; ENTRY POWERS; INJURING OF OR INTERFERING WITH SEWER SYSTEM:

(A) In order that the public sewer system may be fully protected against improper use and injury, the Village shall have free and unobstructed access to any part of the premises where sanitary connections are connected or are to be connected, directly or indirectly, to the public sewer system, or where storm drains have been constructed. Said access is for the purpose of examining the construction or the condition and usage of same, and may occur at any reasonable hour during construction, or at any time thereafter. Any owner, occupant, or other person refusing to allow any personnel of said Village access to the premises for such purposes shall be guilty of violation of this Section, and shall be subject to the penalties provided in this Chapter.

- (B) It shall be unlawful for any person other than an authorized Village employee or persons working for the Village to enter any public sewer, manhole, catch basin, or other part of the public sewer system without permission from the Superintendent of Public Works.
- (C) It shall be unlawful for any person to wilfully, maliciously, or negligently break, deface, destroy, or injure any public sewer or appurtenance thereto, or to deposit debris of any kind into a sewer.
- (D) It shall be unlawful for any person to interfere with, molest, uncover, take off covers from manholes or lampholes, or disturb any portion of the public sewer system or appurtenances thereto. (Ord. 96-4, 6-3-96)

8-3-8: CESSPOOLS, PRIVIES, PRIVY VAULTS:

8-3-8.1: CONSTRUCTION AND REBUILDING PROHIBITED: No privy vault, privy, septic tank, or cesspool shall hereafter be constructed, maintained, or repaired in the Village.(Ord. 96-4, 6-3-96)

8-3-8.2: MAINTENANCE OF PRIVY AND PORTABLE TOILETS:

- (A) It shall be unlawful, and it is hereby declared a nuisance, for any person to maintain any privy in the Village, except that portable privies or portable chemical toilets may be used at construction sites and at special events when so authorized by the SPW. (Ord. 96-4, 6-3-96)
- (B) At swimming beaches, portable chemical toilets are allowed subject to the following conditions:
1. Portable chemical toilets must be anchored securely and located on a cement slab.
 2. Portable chemical toilets must be regularly maintained inside and outside, with an inspection and cleaning on at least a weekly basis. All Tazewell County Health Department standards must be complied with at all times.
 3. There must be landscape screening on three (3) sides of portable chemical toilets.
 4. Portable chemical toilets may be used for a period not to exceed one hundred twenty (120) consecutive days, and for a period not exceeding in the aggregate one hundred twenty (120) days during a calendar year.
 5. Authorization of the SPW must be renewed annually.
 6. If any of the above provisions are not complied with, the SPW may immediately revoke the authorization granted herein, and in such case, the toilets shall be removed. (Ord. 96-46, 5-5-97)

8-3-8.3: CISTERN OVERFLOW PIPES: No cistern used for the collection and storage of rainwater from roofs shall have its overflow pipes connected to any sanitary or combined sewer. (Ord. 96-4, 6-3-96)

8-3-9: WASTEWATER SERVICE CHARGES:

8-3-9.1: SEWER RATES ESTABLISHED: There shall be and there are hereby established monthly rates and/or charges for the use of and for service supplied by the wastewater treatment collection system of the Village, as described herein. (Ord. 96-4, 6-3-96)

8-3-9.2: USER CLASSIFICATION: There is hereby established the following user classification schedule:

<u>Class Designation</u>	<u>Description</u>
I	Those users generating domestic waste who are regular metered water customers of the Village.
II	Those users generating domestic waste who are not regular metered water customers of the Village (i.e., they use their own water source).
III	Those users who generate wastewater that possesses strength characteristics (as measured by BOD and SS) that are in excess of those defined herein and who are not required to pretreat their wastes before discharging into the Village's sewer system.
IV	Those users who generate wastewater that possesses strength characteristics (as measured by BOD and SS) that are in excess of those defined herein and who are required to pretreat their wastes before discharging into the Village's sewer system. (Ord. 96-4, 6-3-96)

8-3-9.3: **BASIS FOR WASTEWATER SERVICE CHARGES:**

- (A) The wastewater service charge for the use of land and for services supplied by the wastewater facilities of the Village shall consist of a basic user charge for operation and maintenance plus replacement; a debt service charge, when applicable; a surcharge, if applicable; and a depreciation charge, if such is established by the Village Board of Trustees.
- (B) The basic user charge shall consist of the cost of maintaining and billing accounts and the operation and maintenance of equipment and facilities, plus replacement, and shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentration (as presently being received at the treatment facilities):
1. A BOD of two hundred fifty (250) mg/l or less.
 2. A suspended solids content of two hundred fifty (250) mg/l or less.
- (C) A surcharge shall be levied to all users whose wastes exceed concentration for BOD of two hundred fifty (250) mg/l and for SS of two hundred fifty (250) mg/l. The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes exceeding the above concentrations.
- (D) The adequacy of the wastewater service charge shall be reviewed annually by certified public accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs, including replacement costs. (Ord. 96-4, 6-3-96)

8-3-9.4: **MEASUREMENT OF FLOW:** The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption (in cubic feet).

- (A) Class II users, as well as those users in Class III and Class IV who are not regular metered water customers of the Village, shall install and maintain, at their own expense, a water meter of a type approved by the SPW for purposes of determining the volume of water obtained from these other sources. Said meter shall be made readily accessible to the Village by the owner, for the purpose of obtaining monthly meter readings. Maintenance shall be of a type and frequency as determined by the Village, and may be done by the Village, subject to reimbursement by the user.
- (B) Devices for measuring the volume of waste discharged may be required if, in the opinion of the SPW, these volumes cannot otherwise be accurately determined from the metered water consumption records.

- (C) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person or organization. Following approval and installation, such meters may not be removed without the consent of the SPW, unless service is disconnected. Maintenance shall be of a type and frequency as determined by the Village, and may be done by the Village, subject to reimbursement by the user.
- (D) The metering devices required above shall be installed within thirty (30) days after the user has been notified by the SPW that such device is needed. The volume of flow to be used for computing the wastewater service charge during the period between the time notice is given and the time the required metering device is installed and operational shall be the volume as estimated by the SPW.
- (E) Any user who could, in the opinion of the SPW, generate wastes having strengths exceeding two hundred fifty (250) mg/l of BOD and/or two hundred fifty (250) mg/l of suspended solids shall install a structure providing access to the building sewer carrying such sewage for the purpose of sampling. This required structure shall be constructed and situated in accordance with plans approved by the SPW, and it shall be accessible by motor vehicle. This structure shall be installed by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times, and it shall be secure against storm water inflow. In the event the user fails to install the required structure within thirty (30) days of notification to do so, the Village will install same or cause same to be installed; the cost of said installation will be added to the wastewater service charges. This added cost will appear on a regular monthly bill within thirty (30) days of said installation's completion. A control manhole installed under the provisions of this Chapter will satisfy the access structure requirements of this Section. (Ord. 96-4, 6-3-96)

8-3-9.5: **BASIC USER RATE SCHEDULE:** There is hereby established a basic user rate schedule for the availability and/or use of, or for service supplied by the wastewater facilities of the Village of Morton. For user Classifications I through IV, there shall be a customer charge for service each month, plus a charge per cubic foot of wastewater generated or water consumed, as measured by the monthly meter reading. Effective January 1, 2009, the customer service charge shall be one dollar and seventy-four cents (\$1.74) per month, and the wastewater charge shall be \$0.0326 per cubic foot. The rate for customers tributary to a collection system lift station shall be \$0.0359 per cubic foot. Hereafter, there shall be an automatic five percent (5%) increase to these rates annually on January 1, beginning in 2010 through January 1, 2014. (Ord. 03-43, 03-15-04; amd. Ord. 711, 06-18-07; amd. Ord. 08-27, 11-17-08)

8-3-9.6: **BOD/SS SURCHARGE SCHEDULE:** In addition to the foregoing, there will be a charge per pound of BOD in excess of two hundred and fifty (250) milligrams per liter, and a charge per pound of SS in excess of two hundred and fifty (250) milligrams per liter. Effective January 1, 2009, said surcharge for BOD shall be \$0.5322 per pound, and said surcharge for SS shall be \$0.3095 per pound. Hereafter, there shall be an automatic five percent (5%) increase to these rates annually on January 1, beginning in 2010 through January 1, 2014. (Ord. 03-43, 03-15-04; amd. Ord. 711, 06-18-07; amd. Ord. 08-27, 11-17-08)

8-3-9.7: **REBATES:** A commercial laundry operator may apply for a rebate of four and one-half percent (4.5%) of the net wastewater charge (not to include the customer service charge) for the previous calendar year. To be eligible for a rebate, the facility may only have clothes washing water usage (other than incidental toilet and lavatory sink usage) on the metered account for which the rebate is requested. The application must be submitted to the Village within ninety (90) days of the end of the year. Any application received after the ninety (90) day period will not be considered.

The Village reserves the right to inspect any facility to verify consumption for the metered account, and may approve or reject the request at its sole discretion. (Ord. 09-29, 10-19-09)

8-3-10: INDUSTRIAL COST RECOVERY:

8-3-10.1: INDUSTRIAL COST RECOVERY REQUIRED: Each industrial user shall pay that portion of any cost incurred by the Village for the financing of the construction of wastewater treatment works allocable to the treatment of the wastewater from such user. (Ord. 96-4, 6-3-96)

8-3-10.2: DETERMINATION OF INDUSTRIAL POPULATION EQUIVALENT: An industrial user's portion of any construction costs shall be based on the population equivalents attributable to the wastewater of such user tributary to the wastewater treatment works of the Village. The population equivalents shall be determined by the SPW, incorporating generally acceptable EPA methods. (Ord. 96-4, 6-3-96)

8-3-10.3: SPW RESPONSIBILITY: The SPW, or his designee, shall maintain the necessary records for determination of user share of the cost, and shall provide the billing and collection services as required by this Chapter. (Ord. 96-4, 6-3-96; amd. Ord. 04-53, 3-7-05)

8-3-10.4: VILLAGE TREASURER RESPONSIBILITY: The Village Treasurer shall be responsible for the investment and expenditure of all moneys collected for industrial cost recovery. (Ord. 96-4, 6-3-96)

8-3-10.5: MONITORING REQUIRED: The Superintendent of Wastewater Treatment shall maintain a program of monitoring industrial user discharges as the SPW deems necessary, provided that any major contributing industry shall be monitored no less than two (2) times annually and any industrial use that has a population equivalent greater than or equal to fifty (50) shall be monitored no less than once annually. All other industrial users shall be monitored at such frequency as deemed necessary by the SPW for determination of the population equivalent of the industrial user. The monitoring data collected shall be used to determine the population equivalent. The cost of industrial monitoring shall be twenty five dollars (\$25.00) per month, and the cost of grease trap monitoring shall be five dollars (\$5.00) per month. (Ord. 96-4, 6-3-96; amd. Ord. 00-36, 11-6-00; amd. Ord. 07-11, 6-18-07)

8-3-13: DEPOSIT OF RECEIPTS: The Village Treasurer shall receive all of the revenues derived from the Village wastewater treatment and collection system and all other moneys and funds incidental to the operation of said system, and shall deposit same in a separate bank account for such funds, separately from all other funds of the Village. He shall administer the Water and Wastewater Fund in every respect in manner and form as provided by law, in accordance with the provisions heretofore adopted by the President and Board of Trustees pertaining to the construction, maintenance, and operation of said Village wastewater treatment and collection system, and he shall establish a proper system of accounts separate and apart from all other records and accounts he may be required to keep as such Treasurer. (Ord. 96-4, 6-3-96)

8-3-14: SEVERABILITY CLAUSE: If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter, or any part thereof, or application thereof to any person, firm, corporation, public agency, or circumstance, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. It is hereby declared to be the legislative intent of the Village Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid section, subsection, paragraph, sentence, clause, or phrase, or any part thereof, not then been included. (Ord. 96-4, 6-3-96)

CHAPTER 4

WATERWORKS AND WATER DISTRIBUTION SYSTEM

SECTION:

- 8-4-1: Water Treatment Department
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- 8-4-1.3: Superintendent's Powers And Duties
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- 8-4-2.1: Establishment Of Water Distribution Department
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8-4-1: **WATER TREATMENT DEPARTMENT**

8-4-1.1: **ESTABLISHMENT OF WATER TREATMENT DEPARTMENT:** There is herewith established a Water Treatment Department of the Village, to be supervised by the Superintendent of Public Works (SPW), and which Department shall see to the operation of the water treatment system of the Village, under the terms and provisions of this Chapter, or such other ordinances or amendments hereto, as may from time to time be enacted by the President and Board of Trustees of this Village. (Ord. 96-6, 6-17-96)

8-4-1.2: **SUPERINTENDENT OF WATER TREATMENT DEPARTMENT; OFFICE CREATED:** There is hereby created the office of Superintendent of the Water Treatment Department. The Superintendent shall at all times act under the direct control of the SPW, and shall be the head of the Water Treatment Department, and shall have charge of all property and equipment pertaining thereto, and supervision over all employees therein. (Ord. 96-6, 6-17-96)

8-4-1.3: **SUPERINTENDENT'S POWERS AND DUTIES:** It shall be the duty of the Superintendent of the Water Treatment Department to:

(A) Conduct tests thereon;

- (B) Keep records of actions taken and examinations, inspections, and tests made;
- (C) Make a monthly report of his acts and doings to the SPW;
- (D) Advise the public, when requested, in the matter of regulations relating to the water system; and
- (E) Enforce all provisions of this Chapter, under the supervision of the SPW. (Ord. 96-6, 6-17-96)

8-4-2: WATER DISTRIBUTION DEPARTMENT:

8-4-2.1: ESTABLISHMENT OF WATER DISTRIBUTION DEPARTMENT: There is herewith established a Water Distribution Department of the Village, to be supervised by the SPW, and which Department shall see to the operation of the water distribution system of the Village, under the terms and provisions of this Chapter or such other ordinances or amendments hereto, as may from time to time be enacted by the President and Board of Trustees of this Village. (Ord. 96-6, 6-17-96)

8-4-2.2: SUPERINTENDENT OF WATER DISTRIBUTION DEPARTMENT; OFFICE CREATED: There is hereby created the office of Superintendent of the Water Distribution Department. The Superintendent of the Water Distribution Department shall be the same person who is the Assistant Superintendent of the Gas Department. The Superintendent shall at all times act under the direct control of the SPW, and shall be the head of the Water Distribution Department, and shall have charge of all property and equipment pertaining thereto, and supervision over all employees therein. (Ord. 96-6, 6-17-96; amd. Ord. 00-38, 11-20-00; amd. Ord. 11-01, 5-2-11)

8-4-2.3: SUPERINTENDENT'S POWERS AND DUTIES: It shall be the duty of the Superintendent of the Water Distribution Department to:

- (A) Conduct tests thereon;
- (B) Keep records of actions taken and examinations, inspections, and tests made;
- (C) Make a monthly report of his acts and doings to the SPW;
- (D) Advise the public, when requested, in the matter of the regulations relating to the water system; and
- (E) Enforce all provisions of this Chapter under the supervision of the SPW. (Ord. 96-6, 6-17-96)

8-4-3: MONETARY PENALTY FOR VIOLATION OF CHAPTER: Any person, firm, corporation, or customer who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of any provision of this Chapter, shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than seven hundred fifty dollars (\$750.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Chapter shall continue. (Ord. 96-6, 6-17-96; amd. Ord. 99-37, 12-6-99)

8-4-4: ANNEXATION FEES:

- (A) Fees for the right to connect to the Village's water system shall be in the amount as set from time to time by the Village Board of Trustees, and shall be stated on a charge per acre basis, unless otherwise specified. Such fees are payable at the time that the land is annexed, unless otherwise specified, and are based on gross acreage, as determined by the SPW. The terms of any separate agreement between a landowner and the Village shall take precedence over this Section, with respect to the time fees are due and the amount of said fees. Said fees are payable before any connections may be made to the water system.

(B) A charge for the right to connect to a water main of fifteen dollars (\$15.00) per front foot of any land shall be due and payable before any connection is made. This charge shall apply to all water mains now in existence or those which may from time to time be constructed in the future, except for the water main along W. Birchwood St. (also known as Illinois Rt. 98), west of I-155, and the water main along N. Main St. (north of Highland St.), for which the charges set forth in subsection (C) below shall apply. This Section shall not apply to any other water main where the cost of same has been paid for by a subdivider or owner, and the Village has otherwise agreed to no further reimbursement. (amd. Ord. 5-43, 2-6-06; amd. Ord. 09-05, 5-4-09)

(C) A charge of two hundred ninety dollars (\$290.00) per acre shall be made for the water service to the land situated within one-quarter (1/4) of a mile on either side of W. Birchwood St. (Illinois Rt. 98), and the minimum charge for any one tract of land shall be equal to the charge for a five (5) acre tract, or one thousand four hundred fifty dollars (\$1,450.00). The above-established charge for connection to the W. Birchwood St. water main for land on both sides of W. Birchwood St. (Illinois Rt. 98) applies only to such land west of I-155.

A charge of one hundred forty five dollars (\$145.00) per acre shall be made for the water service to land beyond the one-quarter (1/4) of a mile distance on either side of W. Birchwood St. (Illinois Rt. 98), and the minimum charge for any one tract of such land shall be equal to the charge for a five (5) acre tract, or seven hundred twenty five dollars (\$725.00). The above-established charge for connection to the W. Birchwood St. water main for land on both sides of W. Birchwood St. (Illinois Rt. 98) applies only to such land west of I-155.

A charge of six hundred sixty five dollars (\$665.00) per acre shall be made for the water service to the land situated within one-quarter (1/4) of a mile on either side of N. Main St., and the minimum charge for any one tract of such land shall be equal to the charge for a five (5) acre tract, or three thousand three hundred twenty five dollars (\$3,325.00). The above-established charge for connection to the N. Main St. water main for land on both sides of N. Main St. applies only to such land north of Highland St., with the exception of Wolf Crossing Subdivision, Highland Street Subdivision, and Morton Park District property. (amd. Ord. 09-05, 5-4-09)

Said charge shall be paid in full before a connection to said water main, either directly or indirectly, and any such connection made without the full payment having first been made shall result in the disconnection of such connection, in addition to other penalties as provided in this Chapter. (Ord. 04-53, 3-7-05)

(D) No building permits shall be issued until any and all charges associated with water service or annexation have been paid in full.

(E) The SPW shall cause records to be maintained showing at all times which lands are paid and which lands are not paid. (Ord. 96-6, 6-17-96; amd. Ord. 04-53, 3-7-05)

8-4-5: **CONNECTING TO THE VILLAGE WATER SYSTEM:**

(A) Any and all persons desiring water from the Village water system shall apply for service at the office of the SPW. The applicant shall also make arrangements to purchase from the Village an approved water meter at a price as is from time to time established by the SPW. All annexation and tap-in fees must be paid before service will be allowed. Any and all connections into the Village's water distribution system shall be made by Village personnel, unless otherwise approved by the SPW. The property owner shall be responsible for time and material charges for the work done by the Village or for the inspection fee for approved contractor connection to an existing service lateral. In addition to any other fees, a water tap permit fee shall be due in the amount of fifty dollars (\$50.00) prior to connection. (Ord. 96-6, 6-17-96; amd. Ord. 03-02, 7-7-03; amd. Ord. 05-19, 9-19-05; amd. Ord. 05-19, 9-19-05)

- (B) The use or attempt to use a potable water supply for irrigation purposes or groundwater from within the corporate limits of the Village of Morton by the installation or drilling of private wells, or by any other method, is hereby prohibited. (amd. Ord. 05-19, 9-19-05)
- (C) The Board of Trustees may allow the installation of or drilling of private wells as a potable water supply or for irrigation purposes if all of the following criteria exist:
1. The prohibition would cause an extreme hardship on the property owner.
 2. There are unique circumstances that apply to that property and which do not apply to other property.
 3. The cost of an alternative supply of water would make the use of the property economically unfeasible.
 4. The person requesting use of the well can demonstrate that there would be no health hazard or contamination from the well.

Notwithstanding the granting of an exemption, if a public water supply becomes available, then the property owner must hook up to the public water supply, and abandon any private well then in existence. It shall be abandoned in accordance with State and County regulations. Available water supply means there is a water main within two hundred feet (200') of any property line describing the lot in question. (amd. Ord. 05-19, 9-19-05)

8-4-6: **MATERIALS, COST, TITLE, AND RESPONSIBILITY:** In all services hereafter installed, only approved copper pipe or approved polyethylene pipe (or a substitute approved in writing by the SPW) and approved brass or copper fittings shall be used from the main to the meter. The entire cost of installing the connection between the main and the meter, including labor, materials, excavating, and refilling trenches, shall be borne by the applicant. All work done and materials used shall meet the reasonable specifications of the SPW. The title of all material used from the main, up to and including the curb stop, shall, immediately upon installation and approval, vest in and become the property of the Village. The Village will maintain, repair, replace, and mark locations for excavation up to and including the curb stop. The service line, beginning with the outlet connection to the curb stop, remains the responsibility of the property owner. The curb stop is the first valve on the service line off of the main. The curb stop is the Village property and is not to be tampered with by any property owner, plumber, or other non-Village personnel. (Ord. 96-6, 6-17-96)

8-4-7: **INSPECTION AND APPROVAL:** All service line installations/repairs shall be made under the supervision of the SPW and must be approved by him before the water service can be turned on. For new mains, all hydrostatic pressure and leakage testing (including filling, flushing, and disinfection testing) shall be performed by the Village of Morton Water Department with the cost to be paid by the developer or contractor.

The fee for one set of tests shall be set by the Superintendent of Public Works and is due before the work is to be done. If the system fails to pass any of the tests, retesting shall be done at an additional time and material cost, which is also the responsibility of the developer or contractor. (Ord. 96-6, 6-17-96; amd. Ord. 02-35, 3-17-03)

8-4-8: **VILLAGE NOT LIABLE FOR AN INTERRUPTION OF SERVICE OR SUPPLY:**

- (A) The Village shall have the right to shut off the supply of water whenever it is necessary to make repairs or improvements, enforce rules, or for any operating reason. When possible, a reasonable notice of circumstances will be given to the customers, but in an emergency, the water may be shut off without notice. Such necessary repair work will be made by the Village as rapidly as may be practical. The Village shall not be held responsible or liable because of any shutoff or discontinuance of service for any direct or resultant damages to any person, company, or customer.

- (B) The Village expressly stipulates with all customers and other persons who may be affected by the discontinuance of service that it will neither ensure nor be responsible or liable in any manner for any loss or damages, direct or indirect, by any reason of any fire, or any other cause, and all water service furnished shall also be conditional upon acts of God, inevitable accidents, fire, strikes, riots, or any other cause. (Ord. 96-6, 6-17-96)

8-4-9: **WATER RATE SCHEDULE:**

- (A) Effective January 1, 2009, general service for all types of users, except multi-family and mobile home park users, as specified in Subsection (B) of this Section:

Customer service charge	\$9.22 per month
First 3000 cu. ft.	\$0.0250 per cu. ft.
All consumption over 3000 cu. ft.	\$0.0174 per cu. ft.

Hereafter, there shall be an automatic five percent (5%) increase to these rates annually on January 1, beginning in 2010 through January 1, 2014.

(Ord 03-43, 03-15-04; amd. Ord. 07-10, 6-18-07; amd. Ord. 08-28, 11-17-08)

- (B) Effective January 1, 2009, general service for multi-family units and mobile home parks, wherever more than one (1) living unit is metered through one (1) meter, with the monthly customer service charge being the same as that in subsection (A) of this section:

All consumption	\$0.0250 cu. ft.
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Hereafter, there shall be an automatic five percent (5%) increase to this rate annually on January 1, beginning in 2010 through January 1, 2014.

(Ord 03-43, 03-15-04; amd. Ord. 07-10, 6-18-07; amd. Ord. 08-28, 11-17-08)

- (C) The customer charge shall be issued to all users within thirty (30) days of the purchase of a water meter by the user, and a bill shall be issued each month thereafter, based on the rates herein, unless water service is discontinued pursuant to the request of the users, property owner, or Village. (Ord. 96-6, 6-17-96)

8-4-10: **METERS:**

- (A) All water supplied shall be metered to the consumer. As soon as the permanent building water piping is in place, an approved water meter purchased from the Village must be properly installed for each connection at such places that all water used will be registered, provided that immediately upon installation and approval, the title to said meter shall vest in and become the property of, and be under the control and supervision of the Village. No "jumpers" of any type are permitted at any time. The presence of a "jumper" in place of a meter is a violation of this Chapter, and shall be subject to the penalties provided in this Chapter. In addition, service to the subject property shall be terminated, and the owner shall be responsible for the cost of estimated water consumed. All water meters shall be kept in good working order and will be repaired by the Village at its expense, except for repairs due to neglect or abuse by the user (which includes allowing the meter to be damaged by freezing). All meters shall be connected to an electric meter reading device (r-o-m). Wiring connecting the meter to the r-o-m shall be installed and maintained by the owner. The Village shall provide the wire. If the wiring fails for any reason, the owner shall repair it within thirty (30) days of notification, or shall be subject to discontinuation of service, as outlined in Sec. 8-4-21 of this Code. (amd. Ord. 04-44, 11-15-04)

- (B) Water bills are issued monthly, based on the reading on the r-o-m. The Village will, from time to time, compare the two readings. In the event there is any discrepancy between the r-o-m and the meter located on the inside of the premises, then the inside meter shall be considered accurate, except in cases of fraud or obvious malfunction. (Ord. 04-44, 11-15-04)
- (C) The water meter and r-o-m shall be accessible to Village personnel at any reasonable time for reading, inspection, and maintenance. Fences, decks, and other structures may not be located so as to hinder access to the water meter or r-o-m. A fence may not be installed fully enclosing the location of an r-o-m, until the r-o-m has been relocated (at the owner's expense) outside of the proposed fenced area. Upon notification by the Village, any and all obstructions, including trees or bushes, must be removed by the consumer to allow adequate access to the meter. If the obstruction is not removed within five (5) days of notification, or if the meter is not moved outside the fenced area within thirty (30) days, the Village may terminate service, or in the case of trees or bushes, the Village may remove said obstruction. (amd. Ord. 06-11, 6-5-06)
- (D) New or relocated r-o-m's shall be positioned as close as practical to the gas meter and shall be a minimum of thirty two inches (32") above the ground. All locations must be approved by the Village. (Ord. 96-6, 6-17-96)

8-4-13: **PRIVATE FIRE HYDRANTS:**

- (A) Private fire hydrants are defined as those hydrants directly connected to the Village water system, and installed by a property owner for the sole benefit of private property, whether located on the public r-o-w or not. These do not include those hydrants required by the Village for the general public's fire protection, as specified in Section 11-5-7(G).
- (B) Per Section 8-4-5, any private fire hydrant and its installation must be approved by the Village, and must comply with subdivision standards under Section 11-1-5. Operation and usage must comply with all other regulations of this Chapter.
- (C) Effective October 1, 2007, the Village Water Distribution Department will conduct an annual inspection, with minor maintenance, on all new private fire hydrants, as well as those existing hydrants which, at the sole discretion of the Superintendent of Water Distribution (SWD), meet Village standards. "Minor maintenance" shall include exercising, painting (as needed), and lubricating the hydrant. The owner of any private fire hydrant shall receive a charge for this service of five dollars (\$5.00) per hydrant, per month, on the property's water billing. The first inspection shall be completed by May 1, 2008. Any repairs required which exceed "minor maintenance" may be performed by the Village on a time and material basis, or by a private contractor approved by the SWD, and at the expense of the owner of the private hydrant.
- (D) The Village reserves the right to decline the maintenance service if the private fire hydrant does not meet Village standards or if it is not serviceable, due to its location or any other adverse circumstance.
- (E) The Village does not assume responsibility for the adequacy of private fire hydrants nor the appropriateness of their location. Neither does the Village insure the uninterrupted operability of hydrants.
- (F) The program shall not apply to owners of private hydrants who can demonstrate annually, to the satisfaction of the SWD, that their hydrants are being maintained in accordance with NFPA 25 standards. (Ord. 07-23, 7-16-07)

8-4-14: FIRE SPRINKLER SYSTEMS:

- (A) All existing and future fire sprinkler systems, directly or indirectly connected to the Village's water system, must comply with the regulations of the Illinois EPA and the Illinois State Plumbing Code, with respect to backflow prevention.
- (B) No hazardous chemicals (antifreeze, potassium permanganate, formaldehyde, etc.) are allowed in systems directly or indirectly connected to the Village water system.
- (C) All future systems, only as applicable to Title 8, Chapter 4, must be approved by the SPW before issuing a building permit (for new construction) or before installing such a system only (for existing structures). (amd. Ord. 04-09, 6-21-04)
- (D) All systems using a pump must be equipped with low-pressure cut-off switch set at twenty (20) psi at the Village main. The owner of the premises must maintain said cut-off switch, test it, and certify to its accuracy at least once a year. Said certification must be made, in writing, by a qualified party acceptable to the SPW. (Ord. 96-6, 6-17-96)

8-4-15: CROSS-CONNECTIONS:

- (A) If, in accordance with the Illinois State Plumbing Code or EPA regulations, or in the judgment of the SPW, an approved backflow prevention device is necessary for the safety of the public water supply system, the SPW shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois State Plumbing Code and all applicable local regulations, and shall have inspections and tests made of such approved devices as required by the Illinois State Plumbing Code and local regulations. Any customer whose inspection report has not been received in the Village offices by the date specified in the annual notice shall be subject to a penalty of fifty dollars (\$50.00) per device. (amd. Ord. 00-36, 11-6-00)
- (B) No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the Village enters the supply or distribution system of said Municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the SPW and the Illinois EPA.
- (C) It shall be the duty of the SPW to cause surveys and investigations to be made of commercial, industrial, and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the SPW shall deem necessary. Records of such surveys shall be maintained and available for a review for a period of at least five (5) years.
- (D) The Village or its agents shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village for the purpose of verifying the presence or absence of cross-connections, for the purpose of verifying information submitted by the customer regarding cross-connection control inspection, and for the purpose of inspecting and observing any appurtenances and/or metering devices connected with the Village water system. On demand, the owner, lessees, or occupants of any property so served shall furnish to the SPW any information which he may request regarding the piping system or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the SPW, be deemed evidence of the presence of improper connections as provided in this Section.
- (E) The SPW has on file regulations governing the installation and maintenance of cross-connection control devices which must be adhered to.

- (F) The SPW of the Village is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Section is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Section, and until a reconnection fee equal to the actual time and material charges to reconnect is paid to the Village. Immediate disconnection with verbal notice can be effected when the SPW is convinced that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection.
- (G) The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained, or repaired device, or a device which has been bypassed, shall bear the cost of cleanup of the potable water supply system. (Ord. 96-6, 6-17-96)

8-4-16: **WATER LEAKAGE:**

- (A) Effective November 1, 2008, the Village shall adopt a policy of forgiveness for internal water leaks (see definition below) at a water service location with the following rules:
1. Internal water leaks shall consist of plumbing failures within the heated interior portion of a structure. This would not include outdoor plumbing, such as exterior faucets, irrigation systems, pools, or any other plumbing outside the structure, or plumbing contained in an area of the structure which is not heated.
 2. The forgiveness shall be applied only to a claimant once in a five (5) year period, commencing with the first forgiveness. The five year period shall apply to all properties owned by the claimant, whether personal residence, business property, or rental property.
 3. Forgiveness will be considered only if the usage billed is greater than two (2) times the average monthly usage over the previous 12 months.
 4. The owner of the service account (bill to individual) must request the forgiveness by completing the "Water Forgiveness Request Form" and submitting it to the Morton Village Office, 120 N. Main Street, Morton, Illinois, 61550. The form must be completed and returned within 30 days of billing date for the bill for which forgiveness is sought.
 5. The request must be based upon an internal plumbing failure within the service locations water system, the nature of which is to be specified when requesting the forgiveness. Documentation will be required in the form of detailed receipts from certified plumbers; or in the event those repairs were made by the individual, receipts for any plumbing hardware or supplies purchased to make the repair. Photographs of the leak prior to and following repair may be requested.
 6. Water system failures must be repaired in a timely fashion, not to exceed ten (10) days from discovery and prior to submission of the Water Forgiveness Request Form.
 7. Forgiveness will be for the water usage in excess of two (2) times the previous 12 months average usage in cubic feet, as calculated by the Village staff. The Village will calculate the forgiveness amount on the usage of the bill in question along with the bill for the period following the bill in question, in order to consider the excess usage for the subsequent billing period prior to repairs being made. The forgiveness amount will include both the water and sewer charges for the total calculated excess usage.

8. Bill adjustments will not exceed \$500.

9. Forgiveness is allowed only for plumbing system failures and is applied equally to water and sewer charges. There shall be no forgiveness for only water or only sewer when the excess usage is the result of any other cause.
(Ord. 08-20, 10-6-08; amd. Ord. 19-09, 8-6-18)

(B) In the event there exists a water leak on the owner's piping between the water meter and the curb stop, it shall be the responsibility of the owner of the property on which said leak is located to repair said leak within ten (10) days after receiving written notice from the Village by first class mail, advising the property owner of the leak. If said leak is not repaired within the ten (10) day period, the Village shall discontinue water service to the property without further notice. The Village may estimate the amount of water lost and bill the property owner for same. The property owner may request forgiveness (8-4-16, Section A) in lieu of payment for the water lost. (Ord. 96-6, 6-17-96; amd. Ord. 08-20, 10-6-08)

8-4-17: **ILLEGAL USE OF WATER:** In the event the usage of unmetered water is detected, water service to the property shall be terminated immediately, without notice, and the owner of the property on which the violation exists shall be subject to the penalties provided in this Chapter, in addition to the cost of water consumed. (Ord. 96-6, 6-17-96)

8-4-18: **RESALE:** No water shall be resold or distributed by the recipient thereof from the Village supply to any premises other than that for which application has been made and the water installed, except in the case of emergency. (Ord. 96-6, 6-17-96)

8-4-19: **TAMPERING:** It shall be unlawful for any person not authorized by the Village to tamper with, alter, operate, or injure any part of the Village waterworks or supply system, or any meter, remote meter reading device valve, curb stop, or fire hydrant of said system. (Ord. 96-6, 6-17-96)

8-4-20: **PROHIBITION OF WATERING OF LAWNS AND GARDENS, WASHING OF AUTOMOBILES, AND FILLING OF SWIMMING POOLS:**

(A) The President of the Board of Trustees, the SPW, or the Superintendents of Water Treatment or Distribution are hereby empowered and authorized to prohibit the use of water from the Village water system for the watering of lawns and gardens, the washing of automobiles, and the filling of swimming pools during periods of water shortage or low water pressure in the water system.

(B) Any party who so uses such water during the period of such prohibition shall be in violation of this Section, and upon conviction thereof, shall be subject to the penalties provided in this Chapter. Any party who persists in the continued use of such water during the period of such prohibition shall be subject to immediate termination of water service by order of any of the officials named in subsection (A) above. (Ord. 96-6, 6-17-96)

8-4-21: **SERVICE DISCONTINUED AND RENEWAL THEREOF:** The Village reserves the right to discontinue water service to any premises where the owner or tenant of such premises is guilty of a violation of any of the provisions of this Chapter or where a dangerous condition is found to exist. When such service is discontinued and the water is shut off, whether by the Village or at the request of the property owner, the water shall not again be turned on or supplied to such premises until all delinquent charges due the Village have been paid and there is no existing default or violation of any of the provisions of the several sections of this Chapter or the dangerous condition has been eliminated. A written application shall be filed with the proper Village officials for the renewal of such water service, which application shall be accompanied by a fee of fifty dollars (\$50.00) to pay for the shutting off and turning on of the water supply. No customer, plumber, or any other person shall be permitted to use the curb stop of the service connection for shutting off water while making extensions, additions, or repairs to the pipe or equipment on the premises. Such shutoff or discontinuance or interruption of service shall be made only by the Village or its properly authorized employees. There is no charge to shut off or turn on a service if scheduled and performed during normal working hours. At all other times, the fifty dollar (\$50.00) fee is applicable.

Discontinuance of service by the Village for violation shall not be made except on written notice of at least three (3) days, mailed to such customer at his address, as shown upon the records of the Village, or personally delivered to him or a member of his household, advising the customer what particular rule has been violated for which service will be discontinued if the violation is permitted to continue; provided, however, that where the fraudulent use of water is detected, where the Village regulating or measuring equipment has been tampered with, where cross-connection regulations have been violated, or where a dangerous condition is found to exist on the customer's premises, service may be shut off without notice in advance. (Ord. 96-6, 6-17-96; amd. Ord. 01-14, 8-6-01)

8-4-22: **MINIMUM / MAXIMUM SETBACK ZONE PROVISIONS FOR GROUNDWATER PROTECTION:**

(A) Pursuant to the authority conferred by 65 ILCS 5/11-125-4 (1994) and 415 ILCS 5/14.2 and 5/14.3 (1994); and in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of the Municipality's groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this Section shall apply to all properties located within the minimum setback zone established under section 14.2 of the Environmental Protection Act ("Act" - 415 ILCS 5/14.2 [1994]) and this Section, and the maximum setback zone established under section 14.3 of the Act (415 ILCS 5/14.3 [1994]) and this Section.

(B) Except as stated in this subsection, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Section shall be the same as those used in the Act and the Illinois Groundwater Protection Act (415 ILCS 55/1 [1994]):

ACT: The Environmental Protection Act (415 ILCS 5/1, et seq. [1994]).

AGENCY: The Illinois Environmental Protection Agency.

BOARD: The Illinois Pollution Control Board.

MAXIMUM SETBACK ZONE: The area around a community water supply well established under section 14.3 of the Act and this Section, a map of which is kept on file in the office of the Superintendent of Water Treatment.

MINIMUM SETBACK ZONE: The area around a community water supply well established under section 14.2 of the Act and this Section, a map of which is kept on file in the office of the Superintendent of Water Treatment.

(C) Prohibitions:

1. Except as provided in subsections (D) and (E) of this Section, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone.
2. Except as provided otherwise in subsection (D) below, no person shall place a new potential primary source within the maximum setback zone.

(D) Waivers, Exceptions, And Certifications Of Minimal Hazard:

1. If, pursuant to section 14.2(b) of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is granted a waiver by the Agency, such owner shall be deemed to have a waiver to the same extent from subsection (C)1 above.
2. If, pursuant to section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or land treating), new potential secondary source, or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from subsection (C)1 above.
3. If, pursuant to section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or land treating) is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from subsection (C)2 above.
4. If, pursuant to section 14.5 of the Act, the owner of a new potential primary source, new secondary source, or new potential route is issued a certificate of minimal hazard by the Agency, such owner shall not be subject to subsection (C)1 above to the same extent that such owner is not subject to section 14.2(d) of the Act.

(E) Subsection (C)1 above shall not apply to new common sources of sanitary pollution as specified pursuant to Section 17 of the Act and the regulations adopted thereunder by the Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations. (Ord. 96-6, 6-17-96)

8-4-23: **DEPOSIT OF RECEIPTS:** The Village Treasurer shall receive all of the revenues derived from the Village water system and all other moneys and funds incidental to the operation of said system, and shall deposit same in a separate bank account for such funds, separately from all other funds of the Village. He shall administer the Water and Wastewater Fund in every respect in manner and form as provided by law, in accordance with the provisions heretofore adopted by the President and Board of Trustees pertaining to the construction, maintenance, and operation of said Village water system, and he shall establish a proper system of accounts separate and apart from all other records and accounts he may be required to keep as such Treasurer. (Ord. 96-6, 6-17-96)

8-4-24: **SEVERABILITY CLAUSE:** If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter, or any part thereof, or application thereof to any person, firm, corporation, public agency, or circumstance, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. It is hereby declared to be the legislative intent of the Village Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid section, subsection, paragraph, sentence, clause, or phrase, or any part thereof, not then been included. (Ord. 96-6, 6-17-96)

CHAPTER 5

STORM WATER UTILITY

SECTION:

- 8-5-1: Storm Water Utility And Storm Water Fund
- 8-5-1.1: Establishment Of A Storm Water Utility
- 8-5-1.2: Storm Water Utility Management
- 8-5-1.3: Establishment Of A Storm Water Fund
- 8-5-2: Definitions
- 8-5-3: Scope Of Responsibility For The Storm Water Utility
- 8-5-4: Determination Of Storm Water Service Charges
- 8-5-5: Storm Water Service Charges
- 8-5-5.1: Detached Single Family Residential Property Charges
- 8-5-5.2: Parcels Other Than Detached Single Family Residential
- 8-5-6: Exemptions And Credits
- 8-5-6.1: Exemptions Applicable To Storm Water Service Charges
- 8-5-6.2: Credits Applicable To Storm Water Service Charges
- 8-5-6.3: Maintaining Credits
- 8-5-7: Appeals
- 8-5-7.1: Appeal To The Superintendent Of Public Works
- 8-5-7.2: Superintendent Of Public Works Responsibilities
- 8-5-7.3: Appeal Of The Superintendent Of Public Works' Decision
- 8-5-7.4: Appeal Of The Village Board Decision

8-5-1: **STORM WATER UTILITY AND STORM WATER FUND:**

8-5-1.1: **ESTABLISHMENT OF A STORM WATER UTILITY:** The Village hereby establishes a Storm Water Utility to provide for the management, protection, control, regulation, use, and enhancement of the storm water systems, and facilities owned or operated by the Village.

8-5-1.2: **STORM WATER UTILITY MANAGEMENT:** The management and supervision of the Storm Water Utility shall be under the direction of the Superintendent of Public Works (SPW).

8-5-1.3: **ESTABLISHMENT OF A STORM WATER FUND:** The Village hereby establishes a Storm Water Fund. All revenues of the Storm Water Utility shall be deposited into the Storm Water Fund and used for purposes of the Storm Water Utility as deemed appropriate by the Village Board.

8-5-2: **DEFINITIONS:**

8-5-2.1: **CREDIT:** Credit means a conditional reduction in the amount of a storm water service charge to an individual property based upon the provisions of the Village of Morton Storm Water Credit Manual as now in effect or as may be amended from time to time. (amd. Ord. 06-07, 5-15-06)

8-5-2.2: **DETACHED SINGLE FAMILY RESIDENTIAL:** Detached single-family residential (DSFR) means developed land containing one dwelling structure which is not attached to another dwelling and which contains one or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one family. DSFR units may include houses, manufactured homes, and mobile homes located on one or more individual lots or parcels of land. Billing for storm water user fees is based on land usage, not zoning. Some residentially zoned properties house small businesses, resulting in a classification of non-residential property. (amd. Ord. 06-07, 5-15-06)

- 8-5-2.3: **DEVELOPED LAND:** Developed land means property that has been altered from its natural state by the addition of impervious area(s) equal to at least one (1) percent of the gross area.
- 8-5-2.4: **EQUIVALENT RESIDENTIAL UNIT:** Equivalent residential unit (ERU) shall be used as the basis for determining the storm water service charge to a parcel. Three thousand three hundred (3,300) square feet of impervious area shall be one (1) ERU. The number of ERU's attributed to a parcel will be determined by dividing the total impervious area (square feet) of the parcel by three thousand three hundred (3,300) and rounding the result to the nearest integer (.5 rounds up). (amd. Ord. 06-07, 5-15-06)
- 8-5-2.5: **IMPERVIOUS AREA OR IMPERVIOUS SURFACE:** Impervious area or impervious surface means those areas that prevent or impede the infiltration of storm water into the soil. Common impervious areas include, but are not limited to rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted aggregate, and awnings.
- 8-5-2.6: **STORM WATER SYSTEM:** Storm water system shall mean a conveyance or system of conveyances and shall include sewers, storm drains, curbs, gutters, ditches, retention ponds or basins, dams, stream impoundments, man-made channels or storm drains, and flood control facilities and appurtenances thereof which are designed or used for the collection, control, transportation, treatment, or discharge of storm water.
- 8-5-2.7: **VILLAGE:** Village means the Village of Morton, a municipal corporation organized under the laws of the State of Illinois.
- 8-5-3: **SCOPE OF RESPONSIBILITY FOR THE STORM WATER UTILITY:** The Storm Water Utility shall be responsible for the operation, maintenance, management, and improvement of the storm water system owned by the Village, including all activities required by the NPDES Storm Water Permit.
- 8-5-4: **DETERMINATION OF STORM WATER SERVICE CHARGES:** Storm water service charges shall be determined by the Village Board. The revenue generated by storm water service charges, together with any other sources of revenue that may be made available to the Storm Water Utility, will be sufficient to meet the obligations of the Storm Water Utility.
- 8-5-5: **STORM WATER SERVICE CHARGES:**
- 8-5-5.1: **DETACHED SINGLE-FAMILY RESIDENTIAL PROPERTY:** Developed properties will be charged one (1) ERU each. The charge per ERU is \$4.88 per month (net \$4.64). There shall be an automatic three percent (3%) increase to these rates annually on May 1 beginning 2012 and through May 1, 2015. (amd. Ord. 06-07, 5-15-06; amd. Ord. 10-27, 1-3-11)
- 8-5-5.2: **PARCELS OTHER THAN DETACHED SINGLE-FAMILY RESIDENTIAL:**
- (A) Developed properties other than detached single-family residential will be charged based on the number of ERU's on the property. The charge per ERU will be \$4.88 per month (net \$4.64). There shall be an automatic three percent (3%) increase to these rates annually on May 1 beginning 2012 and through May 1, 2015. (amd. Ord. 10-27, 1-3-11)
- (B) Duplexes will be billed a minimum of one (1) ERU per dwelling unit.
- (C) The minimum storm water utility bill for a developed property will be one (1) ERU.
- (D) If a multiple-occupant property can be invoiced on one (1) bill, the ERU charge will be exactly as calculated. If the invoice is divided among the occupants, and each is billed, the minimum billing will be one (1) ERU per occupant, with fractions rounded to the nearest whole number (.5 rounds up).

(E) Billing is done in whole ERU's, with fractions rounded to the nearest whole number (.5 rounds up). (amd. Ord. 06-07, 5-15-06)

8-5-6: EXEMPTIONS AND CREDITS:

8-5-6.1: EXEMPTIONS APPLICABLE TO STORM WATER SERVICE CHARGES: All property in the Village shall be charged storm water service charges except rights-of-way owned by the Village, a township, Tazewell County, the State of Illinois, the Federal Government, or a railroad. (amd. Ord. 06-07, 5-15-06)

8-5-6.2: CREDITS APPLICABLE TO STORM WATER SERVICE CHARGES: Parcels shall be eligible to receive a storm water service charge credit based upon the requirements of the Village of Morton Storm Water Credit Manual. (amd. Ord. 06-07, 5-15-06)

8-5-6.3: MAINTAINING CREDITS: Any credit allowed against the storm water service charge is conditioned upon continuing compliance with the Village of Morton Storm Water Credit Manual. (amd. Ord. 06-07, 5-15-06)

8-5-7: APPEALS: Any customer who believes the provisions of this Article have been applied in error may appeal in the following manner:

8-5-7.1: APPEAL TO THE SUPERINTENDENT OF PUBLIC WORKS: An appeal must be filed in writing with the SPW. In the case of service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any storm water management features, such as detention ponds, or conditions which influence the hydrologic response of the property to rainfall events.

8-5-7.2: RESPONSIBILITIES OF THE SUPERINTENDENT OF PUBLIC WORKS: Using the information provided by the appellant, the SPW shall conduct a technical review of the conditions on the property and respond to the appeal in writing within sixty (60) days. If the review reveals the customer has been overcharged for the storm water utility fee, the Public Works Department will notify the Village billing department of the amount of the refund due to the customer paying the storm water utility fee. Any refund due as a result of overcharging of the storm water utility fee will be credited to the customer's future utility bills. The maximum time frame for credit reimbursement shall be no more than six (6) months. If the review indicates the customer has been receiving a storm water utility bill that is less than the amount he should have been charged, the Public Works Department shall notify the Village billing department of the increase necessary to bring the storm water utility fee to the proper amount. The Village will not make any attempt to recoup the storm water utility fees previously uncollected. (amd. Ord. 06-07, 5-15-06)

8-5-7.3: APPEAL OF THE SUPERINTENDENT OF PUBLIC WORKS DECISION: A decision of the SPW that is adverse to an appellant may be appealed to the Village Board within thirty (30) days of receipt of notice of the adverse decision. The appeal must be filed in writing with the Village Board by the appellant and include a detailed explanation of the grounds for the appeal. The Village Board shall issue a written decision on the appeal within sixty (60) days.

8-5-7.4: APPEAL OF THE VILLAGE BOARD DECISION: Any appeal of the decision of the Village Board must be made pursuant to the Illinois Administrative Review Act.

CHAPTER 6

WEEDS

SECTION:

- 8-6-1: Weeds Declared A Nuisance
- 8-6-2: Height
- 8-6-3: Barberry Bushes
- 8-6-4: Growth Prohibited
- 8-6-5: Authority To Abate
- 8-6-6: Abatement; Lien
- 8-6-7: Payment And Release
- 8-6-8: Penalty For Violation

8-6-1: **WEEDS DECLARED A NUISANCE:** Any weeds, such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind, found growing in any lot or tract of land in the Village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain on any such place.¹ (1944 Code, Sec. 393; amd. Ord. 96-40, 4-7-97)

8-6-2: **HEIGHT:** It shall be unlawful to permit any weeds, grass, or plants other than trees, bushes, flowers, vegetables, or other ornamental plants to grow to a height exceeding eight inches (8") anywhere in the Village; and any such plants or weeds exceeding such height are declared to be a nuisance. (1944 Code, Sec. 394; amd. Ord. 96-40, 4-7-97)

8-6-3: **BARBERRY BUSHES:** It shall be a nuisance and unlawful to plant or permit the growth of the bush of the tall, common, or European Barberry, further known as *Berberis vulgaris* or its horticultural varieties, within the Village. (1944 Code, Sec. 395; amd. Ord. 96-40, 4-7-97)

8-6-4: **GROWTH PROHIBITED:** It shall be unlawful for any party owning, leasing, occupying, controlling, or responsible for any lot or parcel of land to permit growth thereon or between the property lines thereof and the curb of any adjoining street or if there is no curb to the edge of the pavement or if no curb or pavement to the traveled part of an alley, as prohibited in Section 8-6-2 of this Chapter. This applies to all property in the corporate limits which is improved or subdivided. Notwithstanding the foregoing, if, in the opinion of the Zoning Enforcement Officer an area is not safely maintainable with normal mowing equipment, then the foregoing requirement shall not apply to that area. (Ord. 674, 5-17-76; amd. Ord. 96-40, 4-7-97; amd. Ord. 03-07, 7-7-03; amd. Ord. 03-21, 10-6-03)

8-6-5: **AUTHORITY TO ABATE:** In the event any property is in violation of this Chapter the Village may, at its discretion, cut any weeds, grass, or plants, other than trees, bushes, flowers, vegetables, or other ornamental plants and assess the cost to the owner of the property and file a lien against the property as provided in this Chapter. (Ord. 90-1, 6-4-90; amd. Ord. 96-40, 4-7-97)

¹ For Statute authority, see S.H.A. 65 ILCS 5/11-20-6.

8-6-6: **ABATEMENT; LIEN:** If the Village has abated the nuisance, the costs thereof shall be recoverable from the owner and the Village may place a lien on the land until payment is made.

Within sixty (60) days after the cost and expense is incurred by the Village or the party performing the service by authority of the Village, in his or its name, may file a notice of lien in the office of the Recorder of Deeds of Tazewell County, Illinois. Notice to the person to whom was sent the tax bill for the general taxes on the property for the last proceeding year shall be sent by certified mail or personally served on the person.

The notice shall consist of a sworn statement setting out:

- (A) A description of the real estate sufficient for identification thereof,
- (B) The amount of money representing the cost and expense incurred or payable for the service, and
- (C) The date or dates when such cost and expense was incurred by the Village. (Ord. 674, 5-17-76; Ord. 90-1, 6-4-90; amd. Ord. 96-40, 4-7-97; amd. Ord. 03-07, 7-7-03)

8-6-7: **PAYMENT AND RELEASE:** Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien; provided, however, no lien shall be released until the total cost and expense including the actual costs, filing fees, and other costs of administration and interest are satisfied by payment in full. (Ord. 674, 5-17-76; amd. Ord. 96-40, 4-7-97)

8-6-8: **PENALTY FOR VIOLATION:** In addition to the abatement and lien procedures provided for in this Chapter any person violating any of the provisions of this Chapter shall be subject to a minimum fine of fifty dollars (\$50.00) and a maximum fine of seven hundred and fifty dollars (\$750.00) and each and every day a violation occurs shall be deemed a separate offense. (Ord. 03-07, 7-7-03)

CHAPTER 7
STORM DRAINS

SECTION:

- 8-7-1: Connection Prohibited
- 8-7-2: Special Charge
- 8-7-3: Special Charge For Storm Sewer Tap-Ins

8-7-1: **CONNECTION PROHIBITED:** It shall be unlawful for any person to connect, or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste, or any fixture or device discharging polluting substances, to any separate storm water drain in the Village. (Ord. 103, 11-15-54)

8-7-2: **SPECIAL CHARGE:** A charge of two hundred thirty five dollars (\$235.00) per lot shall be made for storm sewer service for territory annexed to the Village, which shall benefit by reason of the construction at the sewer portion of Paving Improvement No. 58-B. Said charges shall be paid in full before the Village shall approve the annexation of any territory to the Village, and any territory not subdivided into lots shall be deemed to contain three (3) lots per acre. (Ord. 224, 10-17-60)

8-7-3: **SPECIAL CHARGE FOR STORM SEWER TAP-INS:** A charge for the right to connect to a storm sewer of ten dollars (\$10.00) per front foot of any land shall be due and payable before any connection is made. This charge shall apply to all storm sewers now in existence, as well as those which may from time to time be constructed in the future. This Section shall not apply to any storm sewer where the cost of same has been paid for by a subdivider or owner, and the Village has otherwise agreed to no further reimbursement. This charge shall also not apply to any property which was required to be disconnected from a sanitary sewer and then connected to a storm sewer. Work shall be done as specified on Title 8 Chapter 3, including permits, licenses, and fees. (Ord. 03-02, 7-7-03)

CHAPTER 8

MAINTENANCE OF PRIVATE PROPERTY

SECTION:

- 8-8-1: Definition Of Nuisance
- 8-8-2: Duty Of Maintenance Of Private Property
- 8-8-3: Exterior Storage Prohibited
- 8-8-4: Notice To Abate
- 8-8-5: Penalty For Failure To Abate Such Nuisance
- 8-8-6: Abatement By Village
- 8-8-7: Abatement; Lien
- 8-8-8: Payment And Release
- 8-8-9: Dilapidated Structures

8-8-1: **DEFINITION OF NUISANCE:** For the purposes of this Chapter, the term “nuisance” is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of garbage or debris, and any dilapidated structures. (amd. Ord. 07-59, 2-18-08)

The following definitions apply:

GARBAGE: Wastes resulting from the handling, preparation, cooking, and consumption of food; wastes from the handling, storage, and sale of produce.

DEBRIS: Includes but is not limited to lumber, junk, trash, abandoned, discarded, or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, or containers, ashes, and refuse.

ASHES: Residue from fires used for cooking and for heating buildings.

REFUSE: Combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including, but not limited to, metal, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass crockery, other mineral wastes; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch basin dirt, contents of litter receptacles; but “refuse” does not mean earth and waste from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler-house cinders, limber, scraps, and shavings. (Ord. 80-5, 6-2-80; amd. Ord. 96-40, 4-7-97; amd. Ord. 03-05, 7-7-03)

DILAPIDATED STRUCTURES: Any structure that has broken windows, missing siding, substantial trim missing, significant portions of exterior missing, boarded doors or windows, missing doors, portions of roof exposed, significant portions of roof missing, or any similar condition showing the structure is in a significant state of disrepair. (amd. Ord. 07-59, 2-18-08)

8-8-2: **DUTY OF MAINTENANCE OF PRIVATE PROPERTY:** No person, owning, leasing, occupying, or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person, keep or maintain such premises in a manner causing diminution in the value of other property in the neighborhood in which such premises are located. (Ord. 80-5, 6-2-80; amd. Ord. 96-40, 4-7-97; amd. Ord. 07-59, 2-18-08)

8-8-3: **EXTERIOR STORAGE PROHIBITED:** No person, in charge of or in control of premises, whether as owner, lessee, tenant, occupant, or otherwise, shall allow any garbage or debris to remain on such property longer than five (5) days. (Ord. 80-5, 6-2-80; amd. Ord. 96-40, 4-7-97; amd. Ord. 03-05, 7-7-03)

8-8-4: **NOTICE TO ABATE:** The Village Police Chief or the Zoning Enforcing Officer is hereby authorized and empowered to notify the person in control of any private property, whether as owner, lessee, tenant, occupant, or otherwise to remove to an enclosed area on the property or otherwise remove from the property, any garbage or debris which are stored in violation of Section 8-8-3 of this Chapter.

Said notice shall allow said person seven (7) days to remove said property; and in the event same is not so removed, the provisions of Section 8-8-6 of this Chapter shall apply. Such notice may be given by any of the following methods.

- (A) Certified or Registered Mail addressed to the person occupying the premises in question and to the owner, if different than the occupant.
- (B) Personal delivery to the occupant and personal delivery to the owner, if different than the occupant.
- (C) Posting of the notice on the premises. (Ord. 80-5, 6-2-80; amd. Ord. 96-40, 4-7-97; amd. Ord. 03-05, 7-7-03; amd. Ord. 04-10, 6-7-04, amd. Ord. 06-12, 6-5-06)

8-8-5: **PENALTY FOR FAILURE TO ABATE SUCH NUISANCE:** If said person allows a nuisance to exist as defined in this Chapter and fails to abate said nuisance within the period allowed by Section 8-8-4 of this Chapter, then, upon conviction thereof, said person shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which said nuisance is permitted to exist. (Ord. 80-5, 6-2-80; amd. Ord. 96-40, 4-7-97; amd. Ord. 99-37, 12-6-99; amd. Ord. 03-05, 7-7-03)

8-8-6: **ABATEMENT BY VILLAGE:** In addition to the penalty provided for in Section 8-8-5 of this Chapter, whenever any person fails to abate said nuisance within the period allowed by Section 8-8-4 of this Chapter, then the Village may abate the nuisance and file a lien as provided in this Chapter. (Ord. 80-5, 6-2-80; amd. Ord. 96-40, 4-7-97; amd. Ord. 03-05, 7-7-03)

8-8-7: **ABATEMENT; LIEN:** If the Village has abated the nuisance, the costs thereof shall be recoverable from the owner and the Village may place a lien on the land until payment is made.

Within sixty (60) days after the cost and expenses incurred by the Village or the party performing the service by authority of the Village, in his or its name, may file a notice of lien in the office of the Recorder of Deeds of Tazewell County, Illinois.

The notice shall consist of a sworn statement setting out:

- (A) A description of the real estate sufficient for identification thereof,
- (B) The amount of money representing the cost and expense incurred or payable for the service, and
- (C) The date or dates when such cost and expense was incurred by the Village. (amd. Ord. 03-05, 7-7-03)

8-8-8: **PAYMENT AND RELEASE:** Upon payment of the cost and expense by the owner or the persons interested in such property after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien; provided, however, no lien shall be released until the total cost and expense including the actual costs, filing fees, and other costs of administration and interest are satisfied by payment in full. (amd. Ord. 03-05, 7-7-03)

8-8-9: **DILAPIDATED STRUCTURES:** The Village may elect to proceed with the abatement procedure for a dilapidated structure or, in the alternative, may elect to proceed with an ordinance violation. Any person owning property upon which there is a dilapidated structure, shall be subject to a minimum fine of fifty dollars (\$50.00) and a maximum fine of seven hundred fifty dollars (\$750.00), and each and every day a violation exists shall be deemed a separate offense. (amd Ord. 07-59, 2-18-08)

CHAPTER 10

**DISCHARGING OF SUMP PUMPS AND PERIMETER TILES
INTO SANITARY SEWERS**

SECTION:

- 8-10-1: Purpose
- 8-10-2: Inspection Authorization
- 8-10-3: Testing Procedures
- 8-10-4: Court Action
- 8-10-5: Procedure To Secure Authorization
- 8-10-6: Notification Of Action Required
- 8-10-7: No Extensions
- 8-10-8: Grant Incentive
- 8-10-8.1: Grant Incentive - Repairs Only
- 8-10-9: Ineligibility For Grant
- 8-10-10: Monetary Penalty For Violation
- 8-10-11: Service Disconnection
- 8-10-12: Judicial Enforcement
- 8-10-13: Election Of Remedies
- 8-10-14: Owner Responsibility For Tenant
- 8-10-15: Effective Date For Grant Eligibility
- 8-10-16: Severability Clause

8-10-1: **PURPOSE:** This ordinance is adopted to set forth the procedures, including incentives, that will be used to enforce the provisions of Title 8, Chapter 3, Section 5.1 (C) of the Morton Municipal Code, which provides as follows: Sump pumps and footing perimeter tiles are expressly prohibited from discharging into the sanitary sewer.

8-10-2: **INSPECTION AUTHORIZATION:** The Superintendent of Public Works, or one or more of his designees, are authorized and directed to cause an inspection of the plumbing fixtures and facilities, downspouts, sump pumps, building drains, building sewers, yard drains, area drains, and building or lot storm water, surface water, or ground water drainage devices located on or used by premises located in the Village of Morton, in an effort to locate conditions which would permit storm water, surface water, or ground water to enter directly or indirectly the public sanitary sewer. In certain cases, an inspection may require more than one entry to the premises.

The SPW shall develop a plan to inspect premises in those areas that have experienced surcharging and those areas that may contribute to surcharging and shall implement said plan as soon as reasonably practical.

8-10-3: **TESTING PROCEDURES:** The SPW, or one or more of his designees, are authorized and directed to cause "smoke tests", "dye tests", "TV monitor tests", or any combination of such tests to be conducted within any "area subject to surcharging and any area that may contribute to surcharging" in order to locate conditions which would permit storm water, surface water, or ground water to enter a building sanitary drain, building sanitary sewer, or public sanitary sewer, or if the exact location of such conditions cannot be determined, to at least determine if, during such tests, water or dye placed in or on any such premises or in any storm water collection or diversion device located on such premises, reaches the public sanitary sewer or if smoke pumped into the public sanitary sewer emerges from locations on private property.

The aforesaid testing shall be paid for by the Village of Morton, provided the owner and occupant of the premises have provided access for and consented to the inspection of the premises as provided in Section 5 of this Chapter. Notwithstanding any other provisions of this ordinance, in those cases where an owner resides in the premises, and there is more than one owner, the consent of one owner only is sufficient, and the consent of any other occupant is not needed.

Each owner and occupant of a premises shall provide access in the premises to allow the inspection. Access for the purposes of this ordinance is providing a cleanout as defined in Sections 890.740 and 890.750 in 77 Illinois Administrative Code Chapter I, Subchapter r (1986) as now in effect or as may from time to time be amended. The owner and/or occupant must also remove any obstructions that prevent access to a cleanout.

If upon first inspection the Village of Morton determines that the owner and/or occupant does not have a proper cleanout (or it is obstructed), then the owner and/or occupant shall within thirty (30) days thereafter install a proper cleanout (or remove the obstruction) and allow the Village of Morton to accomplish the inspection.

In the event the owner and occupant of a premises do not consent to the inspection as provided in Section 5 of this Chapter, or provide access as defined in this Section, then the owner shall reimburse the Village of Morton for the cost of testing. The cost of said testing is determined to be five hundred dollars (\$500.00) and said amount shall be paid to the Village of Morton within thirty (30) days of the date the Village performed the testing. The payment of this cost shall not relieve the owner of a premises of the responsibility of otherwise complying with all of the terms of this ordinance.

8-10-4: COURT ACTION: If the Village of Morton is unable to secure the consent of the owner or occupant of the premises to conduct the inspection described in Section 2 of this Chapter (including the providing of proper access) then the corporation counsel of the Village of Morton is hereby authorized and directed to seek judicial authorization for the Village to enter the premises and conduct the inspection. In such action, corporation counsel may also seek reimbursement for the cost of testing.

8-10-5: PROCEDURE TO SECURE AUTHORIZATION: The SPW, or one or more of his designees, shall notify the owner and occupant of a premises that the Village of Morton desires to inspect the premises for the purposes set forth in this ordinance. If an owner resides in the premises, then notice need be given only to one owner and need not be given to any other occupant.

Notification shall be by personal contact or by written notice sent by first class mail. In those cases where an owner does not reside in the premises, the owner shall be notified by first class mail. If there is more than one owner of a premises, notice may be given to one owner only, and it shall be deemed to be constructive notice to all other owners.

Refusal to allow inspection shall be deemed to have occurred in the following events:

- (A) A verbal statement denying access for inspection made by an owner or occupant of the premises (in those cases where an owner does not reside in the premises) to the Village employee requesting such inspection;
- (B) In those cases where the Village has been unable to contact an owner and the occupant (in those cases where an owner does not reside in the premises) in person, then if there is no response to the written notice by the owner and occupant (in those cases where an owner does not reside in the premises) within thirty (30) days of the date the Village has mailed the written notice, allowing the Village of Morton to make the inspection within said thirty (30) day period, refusal shall be deemed to have occurred. Refusal means that the owner and occupant (in those cases where an owner does not reside in the premises) have not permitted inspection within said thirty (30) day period.

8-10-6: **NOTIFICATION OF ACTION REQUIRED:** After the Village has inspected the premises, either by voluntary consent or pursuant to authorization received by court, the Village shall notify the owner by written notice sent by first class mail if there is any violation of Title 8, Chapter 3, Section 5.1 (C) of the Morton Municipal Code.

The owner shall have the following periods to correct any violation:

- (A) If a sump pump is hooked into the sanitary sewer, it shall be unhooked within ten (10) days of such notice.
- (B) If a perimeter tile (or more than one) is hooked into the sanitary sewer, then all of such tiles shall be disconnected within one (1) year of the date of such notice. If the disconnect date falls in the months of March, April, or May, the effective date shall be May 31 of the same year. (amd. Ord. 07-65, 4-21-08)

8-10-7: **NO EXTENSIONS:** The time limits set forth in Section 8-10-6 of this Chapter are deemed to be critical to the procedures set forth herein, and to the orderly elimination of the problems cited herein. Therefore, no extensions to the time limits will be allowed, and failure to comply with same shall cause an owner to lose the grant referred to in Section 8 of this Chapter, and to be subject to the penalties and other actions set forth in Sections 10, 11, and 12 of this Chapter.

8-10-8: **GRANT INCENTIVE:** The owner of a premises shall be eligible to receive a grant of the lesser of five hundred dollars (\$500.00) or the reasonable costs of unhooking the perimeter tile from the sanitary sewer, if all of the following conditions are met:

- (A) An owner and the occupant (in those cases where an owner does not reside in the premises) have provided access as defined in Section 3 of this Chapter.
- (B) An owner and the occupant (in those cases where an owner does not reside in the premises) have voluntarily consented to and allowed an inspection of the premises within the time frame set forth in Section 5 of this Chapter.
- (C) The owner has disconnected the perimeter tile within the time limits prescribed in Section 6 of this Chapter. (There is no grant incentive for disconnecting a sump pump.)

With respect to the requirement of disconnecting perimeter tiles, all such work shall be done in accordance with all other ordinances of the Village of Morton. The owner and occupant (in those cases where an owner does not reside in the premises) shall allow the Village of Morton to inspect all work to ensure that it has been done in conformity with all ordinances.

8-10-8.1: **GRANT INCENTIVE - REPAIRS ONLY:** The owner shall also be eligible for a grant of the lesser of five hundred dollars (\$500.00) or the costs of repairing a sewer lateral provided the following conditions have been met:

- (A) The owner and occupant (in those cases where an owner does not reside in the premises) have complied with all provisions of Ordinance No. 93-26.
- (B) The problem with the sewer lateral was discovered pursuant to one of the testing procedures set forth in Ordinance No. 93-26.
- (C) The owner repairs the sewer lateral in a manner satisfactory to the Village of Morton with the repair to be accomplished within one (1) year of the date of the test.
- (D) The owner shall provide satisfactory proof to the Village of Morton of the costs of the repair.

- (E) With respect to those owners who have repaired a sewer lateral prior to May 15, 2000, and otherwise meet all criteria of this section, they shall also be eligible for the grant.

The grant shall be paid only to the owner of the property at the time of the repair. The owner shall provide satisfactory proof to the Village within ninety (90) days of notification of same by the Village of their eligibility.

- 8-10-9: **INELIGIBILITY FOR GRANT:** An owner shall be ineligible to receive a grant if he or she or the occupant (in those cases where an owner does not reside in the premises) have done any of the following:

- (A) Failed to provide access or remove any obstruction to access as defined in Section 3 of this Chapter.
- (B) Failed to consent and allow inspection of the premises within the time period set forth in Section 5 of this Chapter. Failure to allow inspection includes withholding of consent by an occupant of the premises in those cases where an owner does not reside in the premises.
- (C) Failed to complete all corrective action within the time period set forth in Section 6 of this Chapter.
- (D) Failed to comply with any other provisions of this ordinance.

- 8-10-10: **MONETARY PENALTY FOR VIOLATION:** Any person who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of any provision of this Ordinance shall, upon conviction thereof, be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Ordinance shall continue.

- 8-10-11: **SERVICE DISCONNECTION:** In the event an owner and an occupant (in those cases where an owner does not reside in the premises) refuse to agree to the inspection of the premises, or otherwise fail to comply with any of the provisions of this Ordinance, then the Village of Morton shall have the right to terminate the sewer service to the premises. In the event the Village elects to terminate the sewer service, the procedures set forth in Title 8, Chapter 3, Section 12 (C), (D), and (E) of this Code shall apply.

- 8-10-12: **JUDICIAL ENFORCEMENT:** In addition to any other remedies the Village of Morton has, it may elect to obtain an order from a court of competent jurisdiction requiring an owner to comply with the provisions of this ordinance.

- 8-10-13: **ELECTION OF REMEDIES:** Any of the provisions of Sections 10, 11, and 12 of this Chapter may be used by the Village of Morton, and they are not mutually exclusive.

- 8-10-14: **OWNER RESPONSIBILITY FOR TENANT:** In certain cases the occupant of a premises will not be the owner of the premises. Notice of actions required by this ordinance will be given to the owner of the premises. It shall be the responsibility of the owner to secure the consent and cooperation of all occupants for all procedures required by this ordinance, and if the owner does not or is unable to secure for any reason whatsoever the consent and cooperation of all occupants of a premises as to any procedure, then the owner shall be subject to all remedies provided for in this ordinance, and shall be responsible for the payment of all testing costs.

Owner is used in the singular in this ordinance. Where there is more than one owner of a premises, notice need be given to only one owner, and consent may be obtained from one owner only. Occupant is used in the singular in this ordinance. Notice or consent need be given to or obtained from only one occupant in those cases where an owner does not reside in the premises. (This is in addition to the notice and consent required by an owner.)

8-10-15: **EFFECTIVE DATE FOR GRANT ELIGIBILITY:** Any owner who has previously disconnected perimeter tile from the sanitary sewer after May 3, 1993, shall be eligible for the grant provided herein, subject to the following conditions:

- (A) The owner complied with all ordinances of the Village of Morton with respect to the work performed.
- (B) The owner had the Village of Morton inspect the work after it was completed.

8-10-16: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or application thereof to any person, firm, corporation, public agency, or circumstance is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof, it is hereby declared to be the legislative intent of the Board of Trustees that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included.

CHAPTER 11

UNDERGROUND UTILITY SERVICE

SECTION:

- 8-11-1: No Poles
- 8-11-2: Responsibility Of Property Owners
- 8-11-3: Utilities To Be Installed Underground
- 8-11-4: Plowing Prohibited

8-11-1: **NO POLES:** In all areas of the Village where underground utility distribution lines are installed, there shall be no poles for overhead utilities. (amd. Ord. 00-28, 9-18-00; amd. Ord. 10-16, 9-7-10)

8-11-2: **RESPONSIBILITY OF PROPERTY OWNERS:** As a matter of public policy within the Village and within the area contiguous to the Village subject to its maps, plats, and subdivision ordinances, the property owners shall be responsible for and shall provide for the necessary and proper installation and maintenance of the required Meter Base Risers, the required service entrance wiring to be served by each underground distribution lines, the cost of installing the underground secondary lines, on their property, not furnished without charge by AmerenCILCO, and restoration of their lawns resulting from the trenching necessary for the secondary line installations.

8-11-3: **UTILITIES TO BE INSTALLED UNDERGROUND:** All utilities shall be installed underground. Notwithstanding the foregoing, in the event it is impractical to install underground service, and the Superintendent of Public Works makes a recommendation to the President and Board of Trustees setting forth the reasons for such impracticality, then the Board of Trustees may approve such impracticality by a majority vote. (Ord. 561, 3-20-72; Ord. 82-3, 6-7-82; amd. Ord. 00-28, 9-18-00; amd. Ord. 10-07, 6-21-10)

8-11-4: **PLOWING PROHIBITED:** Underground utilities shall be installed by trenching or boring. Plowing of utility cables, pipes, or services is prohibited in the Village of Morton right of way. (Ord. 00-28, 9-18-00)

CHAPTER 12

UTILITY EQUIPMENT

SECTION:

- 8-12-1: Definition
- 8-12-2: Residential Districts
- 8-12-3: Non-Residential Districts
- 8-12-4: Building Permit
- 8-12-5: Screening
- 8-12-6: Applicability Of Other Ordinances

8-12-1: **DEFINITION:** Overhead utility facilities is utility equipment that is excluded from this Ordinance. All other utility equipment shall be subject to the provisions of this Ordinance. (Ord. 99-50, 3-20-00)

8-12-2: **RESIDENTIAL DISTRICTS:**

(A) If the foot print of the utility equipment is greater than thirty two (32) square feet or the equipment is more than five feet (5') in height and it is to be placed in an existing residential district, then the front setback requirements for the residential district shall apply. Land rights from the owner of the property shall be obtained before any installation.

(B) If the utility equipment is smaller than thirty two (32) square feet and less than five feet (5') in height, it may be located in the utility easement area. (Ord. 99-50, 3-20-00)

8-12-3: **NON-RESIDENTIAL DISTRICTS:** If the utility equipment is to be located in a district zoned other than an existing residential district, it may be located in the utility easement area notwithstanding its size or height. (Ord. 99-50, 3-20-00)

8-12-4: **BUILDING PERMIT:** All utility equipment with a foot print greater than thirty two (32) square feet or greater in height than five feet (5') will require a building permit. The building permit fee for utility equipment shall be fifty dollars (\$50.00). (Ord. 99-50, 3-20-00)

8-12-5: **SCREENING:** All utility equipment with a foot print greater than thirty two (32) square feet or greater in height than five feet (5') shall require screening (landscaping or otherwise) in a form to be approved by the Zoning Department. Utility equipment with a foot print both less than thirty two (32) square feet and less than five feet (5') in height shall not require screening. (Ord. 99-50, 3-20-00)

8-12-6: **APPLICABILITY OF OTHER ORDINANCES:** All other zoning Ordinances shall apply to utility equipment except where otherwise expressly provided for in this Ordinance. (Ord. 99-50, 3-20-00)

CHAPTER 13

BASIC ANNEXATION FEES AND DEVELOPMENT FEES

SECTION:

- 8-13-1: Purpose
 8-13-2: Fee Structure
 8-13-3: Exemption

8-13-1: **PURPOSE:** The fee structure set forth in 8-13-2 shall apply to property annexed before July 1, 2012, unless the annexation agreement provided otherwise. Section 8-13-4 applies to property annexed on or after July 1, 2012, unless the annexation agreement provides otherwise.

8-13-2: **FEE STRUCTURE:** All property annexed, except as provided in 8-13-3, pursuant to the provisions in the Illinois Municipal Code shall have imposed on it a basic annexation fee per acre, according to the following schedule:

- (A) Effective May 1, 2009 through April 30, 2010: Three thousand dollars (\$3,000.00)
- (B) Effective May 1, 2010 through April 30, 2011: Three thousand ninety dollars (\$3,090.00)
- (C) Effective May 1, 2011 and after: Three thousand one hundred eighty dollars (\$3,180.00)
- (D) Effective May 1, 2012 through April 30, 2013: Three thousand two hundred seventy dollars (\$3,270.00).
- (E) Each May 1 thereafter the fee shall increase by three percent (3%) from the preceding year.

8-13-3: **EXEMPTION:** Property located within three hundred fifty feet (350') of the Commonwealth Edison Company electric transmission line easement shall not be subject to annexation fees.

8-13-4: **DEVELOPMENT FEES:** For all property annexed on or after July 1, 2012, there shall not be an annexation fee but there shall be a development fee as follows:

- (A) Property zoned for residential use: One thousand one hundred dollars (\$1,100.00) per dwelling unit.
- (B) Property zoned for business or industrial use: Three thousand two hundred seventy dollars (\$3,270.00) per acre.
- (C) Each July 1 thereafter, commencing with the year 2013, the above fees shall be increased by three percent (3%) from the preceding year.

(Ord. 08-38, 3-2-09; amd. Ord. 09-26, 10-5-09; amd. Ord. 12-03, 6-18-12)

CHAPTER 14

DEFERRED ANNEXATION FEES

SECTION:

- 8-14-1: History
 8-14-2: Purpose
 8-14-3: Rate

8-14-1: **HISTORY:** Various property has heretofore been annexed to the Village pursuant to pre-annexation agreements. In some agreements, a portion of the annexation fee was deferred until the property was developed. The fee was fixed in the agreement at the higher of the rate paid when adjoining property was annexed or the rate in effect when the property was developed.

Under the Illinois Municipal Code, the duration of an annexation agreement is limited, and therefore, the terms of an agreement might expire before the property is developed. (Ord. 93-1, 5-17-93)

8-14-2: **PURPOSE:** In order to provide for certainty and uniformity, it is necessary to provide for a charge for property that is not developed before an annexation agreement has expired. (Ord. 93-1, 5-17-93)

8-14-3: **RATE:** The rate due by the property owner shall be the higher of the rate specified in the pre-annexation agreement, or the rate charged for the most recent annexation of property by the Village. The rate shall be a per acre charge, and the number of acres shall be as specified in the applicable annexation agreement. The amount determined to be due shall be paid at the time specified in the annexation agreement. (Ord. 93-1, 5-17-93)

CHAPTER 15

**UTILITY BILLING AND COLLECTION POLICIES
AND PROCEDURES**

SECTION:

- 8-15-1: Definition Of Utility
- 8-15-2: Liability For Payment Of All Charges
- 8-15-3: Deposits For Utility Service By Tenants
- 8-15-4: Due Date Of Bills For Discount; Loss Of Discount
- 8-15-5: Credits and Rebates
- 8-15-6: Dishonor Of Check
- 8-15-7: Level Payment Plan
- 8-15-8: Delinquent Bills
- 8-15-9: Reserved for Future Use
- 8-15-10: Reconnections
- 8-15-11: Dispute Resolution Procedure
- 8-15-12: Collection Actions
- 8-15-13: Liens
- 8-15-14: Severability

8-15-1: **DEFINITION OF UTILITY:** As used in this Chapter, "utility" refers to the Village's gas system, storm water system, wastewater system, and water system, as well as any other utility which may hereafter be acquired or developed by the Village of Morton. (amd. Ord. 05-37, 12-19-05)

8-15-2: **LIABILITY FOR PAYMENT OF ALL CHARGES:** The services of each Village utility system shall be deemed to be furnished to the owner of the premises and to the occupant thereof and to the user of the services, and the owner of the premises and the occupant thereof and the user of the services shall be jointly and severally liable for the payment of all charges for such services. Such services are furnished to the premises by the Village only upon the condition that the owner of the premises and the occupant thereof and the user of the services are jointly and severally liable therefor to the Village.

8-15-3: **DEPOSITS FOR UTILITY SERVICE BY TENANTS:**

(A) Before gas service is provided to any tenant occupying rental property and who has requested gas service, said tenant shall deposit the sum of one hundred dollars (\$100.00), which shall be held by the Village until the service is permanently discontinued to such tenant. Said deposit shall be applied first to any unpaid gas service charge, and any balance remaining, without interest, remitted to the party paying the same.

(B) Before water service is provided to any tenant occupying rental property and who has requested water service, said tenant shall deposit the sum of fifty dollars (\$50.00), which shall be held by the Village until the service is permanently discontinued to such tenant. Said deposit shall be applied first to any unpaid water service charge, and any balance remaining, without interest, remitted to the party paying the same.

- (C) In the event that payment is insufficient to pay the total of all portions of the utility bill, the payment will be applied to the storm water service charges first. After the storm water service charges are satisfied, the remaining portion of the payment will be applied to the wastewater service charges. After the storm water, wastewater, and gas service charges are satisfied, the remaining portion of the payment will be applied to the water service charges. (Ord. 05-37, 12-19-05)

8-15-4: DUE DATE OF BILLS FOR DISCOUNT; LOSS OF DISCOUNT:

- (A) Bills for utility service shall be rendered on the eighteenth day of each month at a rate of ninety-five percent (95%) of the actual amount of utility service rendered and said amount shall be due in full on the twenty-seventh day of the month. If the twenty-seventh day of the month falls on a Saturday, Sunday, or holiday observed by the Village, then said amount shall be due in full on the next following business day.
- (B) If payment in full is not received by the Village at its utility office or in the utility drop boxes at or before five o'clock (5:00) P.M. on the aforesaid due date, then five percent (5%) of the actual amount of utility service rendered shall be added to the next month's bill and shall be due and payable in full on the twenty-seventh day of the month next following the due date of the bill for such utility service.
- (C) Failure to receive a utility bill shall not excuse a customer from his or her obligation to pay within the time period specified. (amd. Ord. 19-09, 8-6-18)

8-15-5: CREDIT AND REBATES: Whenever the Village or a customer discovers that there has been an error in billing and an overpayment has been made by the customer, the Village shall credit the amount overpaid by the customer against the next following utility bill. The Village shall issue a cash rebate only if the utility service has been discontinued at the time of the discovery of such error. No credit or rebate shall be issued by the Village for errors occurring over six (6) months prior to the date of the discovery of such error.

8-15-6: DISHONOR OF CHECK:

- (A) Whenever a check payable to the Village is tendered to the Village for payment of utility charges and is dishonored by the financial institution upon which it is drawn because of insufficient funds in the account against which it was drawn or for any other lawful reason, then the discount for early payment shall be forfeited or lost and a processing charge of twenty-five dollars (\$25.00) shall be imposed by the Village and added to the account and thereon be due and payable.
- (B) Utility customers who have made payment with a check dishonored by the financial institution upon which it is drawn because of insufficient funds in the account against which it was drawn, or for any other lawful reason three (3) times in a period of twelve (12) consecutive months, shall be required to remit payment of their utility bills by cash, certified check, or money order until an acceptable payment history has been established. For the purposes of this Section, an "acceptable payment history" is defined as having no delinquent utility bills in the previous twelve (12) consecutive months.

8-15-7: LEVEL PAYMENT PLAN:

- (A) Residential utility customers may request to be on the level payment plan provided the following criteria have been met:
1. The property where service is provided has a utility account history of at least twelve (12) months;

2. The residential utility customer requesting to be on the level payment plan has had no more than one (1) delinquent utility bill in the previous twelve (12) consecutive months; and
 3. The residential utility customer requesting to be on the level payment plan has presented no dishonored checks in the previous twelve (12) consecutive months.
- (B) The Village will keep level payment plan monthly billings at an average level. If, at the end of an 11-month period, the customer has accumulated a credit or debit, the Village will bill or credit the balance on the next following utility bill, to be termed the “settlement bill” or the “settlement month.”
- (C) The Village reserves the right to adjust, without prior notice, the level payment plan monthly billing amount of any level payment plan customer in order to avoid the accumulation of an excessive credit or debit on the level payment plan customer’s account.
- (D) Residential utility customers may request to be removed from the level payment plan at any time or the Village may remove a residential utility customer from the level payment plan with or without cause upon thirty (30) calendar days notice to the level payment plan customer. In such case, any outstanding charges shall be reflected and due and payable on the first bill issued under normal billing.
- (E) Level payment plan customers who have made payment after the twenty-seventh day of the month two (2) times in a period of twelve (12) consecutive months or who have made payment with a check dishonored by the financial institution upon which it is drawn because of insufficient funds in the account against which it was drawn or for any other lawful reason two (2) times in a period of twelve (12) consecutive months automatically forfeit the privilege of being on the level payment plan and shall be returned to normal billing and payment without prior notice. In such case, any outstanding charges shall be reflected and due and payable on the first bill issued under normal billing.
- (F) Residential utility customers who have been removed from the level payment plan by the Village pursuant to Section 8-15-7(E) above shall become eligible for the level payment plan the month after the establishment of an acceptable payment history. For the purposes of this Section, an “acceptable payment history” is defined as having no delinquent utility bills and having presented no dishonored checks in the previous twelve (12) consecutive months. (amd. Ord. 02-29, 1-6-03; amd. Ord. 19-09, 8-6-18)

8-15-8: **DELINQUENT BILLS:**

- (A) In the event payment in full, including the forfeited or lost discount, is not received by the Village at its utility office or in the utility drop boxes by five o’clock (5:00) P.M. on the twenty-seventh day of the month next following the due date of the bill for such utility service, such utility bill shall be deemed to be delinquent and the utility customer will be sent a notice of delinquency. The Village Administrator or his/her designee shall cause such utility customers to be notified in writing by first class mail that utility service is to be terminated. Said notice shall also specifically inform the utility customer of the following:
1. That the utility customer may contact the Village Administrator to request a hearing on the matter; and
 2. That said request must be made within five (5) business days of the date of said termination notice; and
 3. That if said request is made, a hearing will be held within ten (10) business days of the date of said termination notice; and

4. That utility service will be discontinued within ten (10) business days of the date of said termination notice if no request for a hearing is made.

Delinquent utility customers will have until the close of business on the tenth business day from the date of said termination notice to:

1. Pay the bill in full; or
2. Resolve the matter in accordance with the dispute resolution procedure set forth in Section 8-15-11 of this Chapter.

If the delinquent utility customer fails to perform one of these requirements by the deadline stated, a disconnect order will be issued by the Village utility office. (amd. Ord. 06-26, 10-2-06; amd. Ord. 11-31, 1-3-12; amd. Ord. 19-09, 8-6-18)

(B) Gas service to a utility customer shall not be disconnected for nonpayment of bills:

1. On any day from November 1st to March 31st when the National Weather Service forecasts a temperature of twenty degrees Fahrenheit (20° F) or below in the Village for the following twenty-four (24) hour period.
2. On any day preceding a holiday or weekend when the weather forecast indicates the temperature will be twenty degrees Fahrenheit (20° F) or below in the Village during the holiday or weekend.

8-15-9: **DISCLOSURE OF UTILITY RECORDS:** The utility record of any customer shall not be disclosed to anyone without the consent of the customer unless required by law or unless the account has been referred to collection or unless a lien has been filed on the property where the service was provided.

Persons who are permitted to know customer account information are the Village Administrator or any employee under her supervision, the owner or tenant of property, or the Zoning Officer.

In addition to the foregoing, the Village of Morton may disclose customer information to other persons if a written request is made and it is for a valid and lawful purpose. (Ord. 15-13, 11-16-15)

8-15-10: **RECONNECTIONS:** In the event utility service has been disconnected due to nonpayment of bills, then such utility service shall not be reconnected until all outstanding bills for utility service to the property, any forfeited or lost discounts, any costs incurred by the Village as a result of the discontinuance and reinstatement of said utility service, any and all indebtedness associated with the property that is owed to the Village, including, but not limited to, abatement liens, and a reconnection service charge of fifty dollars (\$50.00) each for gas and water service have been paid in full. The Village requires that someone be present in the dwelling, and signify their presence when requested, prior to service being reconnected. In the event there are delinquent charges or abatement liens to more than one property of a particular owner, then such utility service shall not be reconnected until all outstanding bills for utility service, any forfeited or lost discounts, any costs incurred by the Village as a result of the discontinuance and reinstatement of said utility service, any and all indebtedness that is owed to the Village, including, but not limited to, abatement liens and utility bills, associated with all properties owned by that owner are brought current. Reconstructions will be performed only during normal working hours, which are 7:30 a.m. to 4:00 p.m. Monday through Friday (excluding holidays). Reconstructions will be done only if sufficient Village personnel are available to perform the reconnection during normal working hours. If a customer desires reconnection after 4:00 p.m. and prior to 5:00 p.m., an additional charge of one hundred dollars (\$100.00) shall be assessed and must be paid in full prior to reconnection, in addition to the above stated regulations regarding reconnection. No reconstructions will occur after 5:00 p.m. (amd. Ord. 01-32, 11-19-01; amd. Ord. 17-24, 11-6-17; amd. Ord. 17-29, 12-4-17)

8-15-11: **DISPUTE RESOLUTION PROCEDURE:**

- (A) Village utility billing personnel shall be available during regular business hours to receive and consider disputes of any customer relative to an account for utility service. Customers having a dispute which cannot be resolved by utility billing personnel may request a hearing in writing, directed to the Village utility office.
- (B) Requests for a hearing shall be made in writing and contain the name, address, and telephone number of the person requesting the hearing, the address at which utility service is received and which is the subject of the dispute, the specific grounds or reasons for which the hearing is requested, and the specific relief requested.
- (C) Upon filing a request for a hearing, a hearing shall be scheduled with the customer. If the customer has been sent a notice of delinquency, the hearing shall be scheduled on or before the disconnection date specified in the notice of delinquency.
- (D) The Village Administrator, or his or her designee, shall serve as hearing officer for any hearings which may be held under this Section. The decision of the hearing officer with respect to the dispute shall be final.
- (E) The Village shall not disconnect the utility service of any person for nonpayment during the pendency of the dispute if:
 1. Written notice is given to the Village utility office as herein provided; and
 2. Payment of all undisputed portions of the bill is made; and
 3. All charges made during the pendency of the dispute are paid as they become due; and
 4. The person making the complaint or dispute enters into a bona fide effort to resolve the disputed matter with all due dispatch.
- (F) If the findings reached at the aforesaid hearing are adverse to the customer, said decision shall be reduced to writing, with a copy thereof to be forwarded to said customer by first class mail. Said decision should also contain the date on which utility service to the customer in question will be discontinued.

8-15-12: **COLLECTION ACTIONS:** The Village Administrator is hereby granted the authority to turn any delinquent account over to a collection agency, the Illinois Local Debt Recovery Program, or attorney retained by the Village for collection. In the event the Village sues to collect on an account, the Village shall be entitled to recover, in addition to the amounts due, its costs, expenses, and reasonable attorney fees incurred in collecting the debt. (amd. Ord. 17-24, 11-6-17; amd. Ord. 17-29, 12-4-17)

8-15-13: **LIENS:**

- (A) The amount of any utility bill which is delinquent shall constitute a lien upon the real estate for which such services were rendered.
- (B) The Village Administrator is hereby authorized and directed to file sworn statements showing such delinquencies in the office of the Recorder of Deeds of Tazewell County, Illinois, and the filing of such statements shall be deemed notice for payments of such charges for such utility services.
- (C) No such lien shall be defeated to the proper amount thereof because of an error or overcharge on the part of the Village, nor shall any lien be defeated upon proof that such utility service was used or contracted for by a tenant of the premises or occupant thereof other than the owner.

- (D) If the user of the utility service whose utility bill is unpaid is not the owner of the premises and the Village Administrator has written notice of this fact, notice shall be mailed to the owner of the premises, if an address be known to the Village Administrator, whenever such utility bill remains unpaid until the twenty-seventh day of the month next following the due date of the utility bill. Said notice shall be by first class mail.
- (E) The failure of the Village Administrator to record such lien claim or to mail or deliver such notice, or the failure of the owner of such premises to receive such notice, shall not affect the right to foreclose the lien for unpaid utility bills, as provided herein.
- (F) If payment of any amount due for utility service, additional charges, or benefits when the same becomes due shall not be made as provided in this Chapter, the Village may file or cause to be filed a complaint in the Circuit Court of Tazewell County for the foreclosure thereof in the same manner as a foreclosure of a real estate mortgage.
(Ord. 04-53, 3-7-05, amd. Ord. 19-09, 8-6-18)

8-15-14: **SEVERABILITY:** If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter, or any part thereof, or application thereof to any person, firm, corporation, public agency, or circumstance, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. It is hereby declared to be the legislative intent of the Village Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid section, subsection, paragraph, sentence, clause, or phrase, or any part thereof, not then been included. (Ord. 01-20, 10-15-01)

CHAPTER 16

DEDICATION OF LAND FOR BIKE PATH

SECTION:

- 8-16-1: Dedication Required - Designated Path
- 8-16-2: Pre-Annexation Agreements
- 8-16-3: Designation Required - Extension of Designated Bike Path
- 8-16-4: Installation of Bike Path
- 8-16-5: Setbacks
- 8-16-6: Village Contribution

8-16-1: **DEDICATION REQUIRED - DESIGNATED PATH:** The developers of any property shall dedicate to the Village of Morton, at no cost, a minimum of 17 feet and such additional amount needed to provide drainage and earthwork as determined by the Superintendent of Public Works. The dedication shall be for the distance that the designated bike path is adjacent to the property to be developed. (Ord. 11-12, 7-18-11)

8-16-2: **PRE-ANNEXATION AGREEMENTS:** If the property is not in the corporate limits of the Village, but is to be annexed as a part of the development, it shall be a condition in any pre-annexation agreement that an appropriate amount of land be dedicated for a bike path. (Ord. 11-12, 7-18-11)

8-16-3: **DESIGNATION REQUIRED - EXTENSION OF DESIGNATED BIKE PATH:** If the property to be developed is not adjacent to a designated bike path, the Village may, in its discretion require dedication of land in the same width as provided in Section 1 along one boundary of the property for the purpose of providing an extension to a designated bike path. (Ord. 11-12, 7-18-11)

8-16-4: **INSTALLATION OF BIKE PATH:** A bike path shall be installed no later than the date by which all sidewalks must be installed in the subdivision. (Ord. 11-12, 7-18-11)

8-16-5: **SETBACKS:** For all purposes of determining setbacks, whether front yard or side yard, the setback shall be determined from where the property line would have been if a sidewalk only was installed. (Ord. 11-12, 7-18-11)

8-16-6: **VILLAGE CONTRIBUTION:** The Village will pay to the developer the portion of the cost of the difference between the sidewalk and the bike path at a per foot rate cost to the developer by his/her contractor of the square foot cost of the last bid concrete cost to the Village, whichever is less. (Ord. 11-12, 7-18-11)

CHAPTER 17

MEMORIAL PLAZA USE

SECTION:

- 8-17-1: Applicability
- 8-17-2: Closed Areas
- 8-17-3: Permit
- 8-17-4: Liability of Permittee
- 8-17-5: Certificate of Insurance
- 8-17-6: Restoration After Permitted Event
- 8-17-7: Additional Permit Fee
- 8-17-8: Prohibited Activities
- 8-17-9: Revocation of Permit

8-17-1: **APPLICABILITY:** The provisions of this Chapter shall apply to use of Memorial Plaza located at 308 S. Main Street, Morton, Illinois.

8-17-2: **CLOSED AREAS:** Any section, area or part of the Memorial Plaza may be declared closed to the public by the Chief of Police or by the Superintendent of Public Works or their designee at any time and for any interval of time, either temporarily or at regular intervals and stated intervals (daily or otherwise) neither entirely or merely for certain uses as the Chief of Police or Superintendent of Public Works may find reasonably necessary.

8-17-3: **PERMIT:**

(A) No person shall conduct, operate, present or manage any of the following activities in Memorial Plaza unless a permit is obtained from the Village of Morton prior to the start of the activity:

1. Any parade, march, rally, speech or public meeting;
2. Any contest, show, exhibit, public entertainment, dramatic performance, play, act, motion picture, dramatic reading, storytelling, poetry reading, bazaar, amusement contraptions, sporting event, ceremony or other event at which more than twelve (12) persons may be reasonably expected to be in attendance.
3. Any use of the Memorial Plaza by a certain person or group or group of persons to the exclusion of others.

(B) Persons desiring to engage in any of the above activities may apply to the Village of Morton for a written permit under policies established by the Village Administrator or her designee, and subject to fees established.

(C) Any application for permit as required by this section must set forth the name, address, telephone number and driver's license number of an adult applicant responsible for the proposed activity or use; name, address and telephone number of the organization or organizations involved with the proposed activity or use, if any; the date, time, duration and requested location for the proposed activity or use; and the anticipated number of attendees.

(D) Permits are not transferrable and required fees are not refundable. Permits must be applied for at least twenty-one (21) days in advance of the event. Minor changes in the permit may be made upon written permission of the Village Administrator for no additional fee, provided that the specific activity has not changed, the date or dates involved has not changed, the number of designated persons has not increased and a request for change is made at least seventy-two (72) hours prior to the event.

8-17-4: **LIABILITY OF PERMITTEE:** The person, persons, organization or organizations to whom a permit is issued shall be liable for and shall agree to indemnify the Village of Morton for any loss, damage or injury sustained by any person which is caused by the activity or use or any act, error or omission of the person, persons, organization or organizations or their agent or agents to whom such permit shall have been issued.

8-17-5: **CERTIFICATE OF INSURANCE:** As a condition for obtaining a permit, person, persons, organization or organizations to whom the permit is issued must provide a Certificate of Insurance for general liability insurance coverage with a company and in an amount acceptable to the Village of Morton naming the Village of Morton, its Board members, Officers, Agents, Employees and assigns as additional insureds. The Village Administrator, or her designee, at her full and absolute discretion may waive the requirements of this Section when in light of the facts and circumstances of the event for which a permit is requested the Village Administrator determines the requirements of this Section would pose an undue burden on the applicant or may require, in lieu of a certificate of insurance, a waiver of liability be executed by the applicant as a condition of the award of a permit. (amd. Ord. 17-11, 7-17-17)

8-17-6: **RESTORATION AFTER PERMITTED EVENT:** As a condition of the permit, the permittee shall be required at the conclusion of the permitted event to return and restore the Memorial Plaza to a like condition as Memorial Plaza was in prior to the commencement of the event. A deposit of two hundred fifty dollars (\$250.00) shall be paid by the permittee as a condition of the permit, which deposit shall be applied to reimburse the Village of Morton for any cleaning or maintenance necessary to restore Memorial Plaza as required in this Section. Any portion of the deposit which is not consumed by the cost of restoration shall be refunded to the permittee.

8-17-7: **ADDITIONAL PERMIT FEE:** Applications for a permit shall be reviewed by the Chief of Police or his designee. In the event the Chief of Police or his designee determines that the event requires a hiring of auxiliary police to be on duty before, during or after an event for purposes of public safety, an additional fee shall be assessed, which must be paid prior to the event as a condition of receiving the permit, which fee shall be reasonably calculated by the Chief of Police to reimburse the Village for the auxiliary police patrol necessary for the permitted event, which fee shall be non-refundable.

8-17-8: **PROHIBITED ACTIVITIES:** The following activities are prohibited at any time in Memorial Plaza:

1. Smoking or the use of smokeless tobacco products
2. Consumption, possession or sale of alcoholic beverages
3. Any use which is a violation of any Village Ordinance, State Statute or Federal Law
4. Possession of any firearm
5. Possession of any glass bottle
6. Removing or damaging any Memorial Plaza property or equipment
7. Use of skateboards, bicycles, or scooters within the Plaza property
8. Operation of any motor vehicle of any kind within the Memorial Plaza
9. Climbing on any fixtures or property at the Memorial Plaza other than playground equipment.
10. Open burning
11. Sales or solicitation

8-17-9: **REVOCAION OF PERMIT:** In the event of a violation of any provision of this Chapter or of any other provision of the Morton Municipal Code, State Statute or Federal Law by any permittee and the conduct of the permitted event or activity, the Chief of Police or his designee may revoke the permit issued pursuant to the provisions of this Chapter. (Ord. 17-02, 6-5-17)

CHAPTER 18

SMALL WIRELESS FACILITIES

SECTION:

- 8-18-1: Purpose and Scope
 8-18-2: Definitions
 8-18-3: Regulation of Small Wireless Facilities
 8-18-4: Dispute Resolution
 8-18-5: Indemnification
 8-18-6: Insurance

8-18-1 **PURPOSE AND SCOPE:** The purpose of this Chapter is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the Village's jurisdiction, or outside the rights-of-way on property zoned by the Village exclusively for commercial or industrial use, in a manner that is consistent with the Act.

In the event that applicable federal or State laws or regulations conflict with the requirements of this Chapter, the wireless provider shall comply with the requirements of this Chapter to the maximum extent possible without violating federal or State laws or regulations.

8-18-2 **DEFINITIONS:** For the purposes of this Chapter, the following terms shall have the following meanings:

ANTENNA: Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

APPLICABLE CODES: Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

APPLICANT: Any person who submits an application and is a wireless provider.

APPLICATION: A request submitted by an applicant to the Village for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

COLLOCATE OR COLLOCATION: To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

COMMUNICATIONS SERVICE: Cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.

COMMUNICATIONS SERVICE PROVIDER: A cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

FCC: The Federal Communications Commission of the United States.

FEE:	A one-time charge.
HISTORIC DISTRICT OR HISTORIC LANDMARK:	A building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an Chapter adopted by the Village pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.
LAW:	A federal or State statute, common law, code, rule, regulation, order, or local Chapter or resolution.
MICRO WIRELESS FACILITY:	A small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.
MUNICIPAL UTILITY POLE:	A utility pole owned or operated by the Village in public rights-of-way.
PERMIT:	A written authorization required by the Village to perform an action or initiate, continue, or complete a project.
PERSON:	An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.
PUBLIC SAFETY AGENCY:	The functional division of the federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.
RATE:	A recurring charge.
RIGHT-OF-WAY:	The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include Village-owned aerial lines.
SMALL WIRELESS FACILITY:	A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.
UTILITY POLE:	A pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

WIRELESS FACILITY: Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

WIRELESS INFRASTRUCTURE PROVIDER: Any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the Village.

WIRELESS PROVIDER: A wireless infrastructure provider or a wireless services provider.

WIRELESS SERVICES: Any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

WIRELESS SERVICES PROVIDER: A person who provides wireless services.

WIRELESS SUPPORT STRUCTURE: A freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

8-18-3 **REGULATION OF SMALL WIRELESS FACILITIES:**

(A) **Permitted Use:** Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in paragraph (9) regarding Height Exceptions or Variances, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

(B) **Permit Required:** An applicant shall obtain one or more permits from the Village to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:

1. **Application Requirements:** A wireless provider shall provide the following information to the Village, together with the Village's Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:
 - (a) Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;

- (b) The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;
- (c) Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;
- (d) The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
- (e) A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and
- (f) Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant's knowledge.
- (g) In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the Village, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.

2. Application Process: The Village shall process applications as follows:

- (a) The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.
- (b) An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the Village fails to approve or deny the application within 90 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than 75 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Chapter.

- (c) An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the Village fails to approve or deny the application within 120 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than 105 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Chapter.

- (d) The Village shall deny an application which does not meet the requirements of this Chapter.

If the Village determines that applicable codes, Chapters or regulations that concern public safety, or the Collocation Requirements and Conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

The Village shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the Village denies an application.

The applicant may cure the deficiencies identified by the Village and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee. The Village shall approve or deny the revised application within 30 days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within 30 days of denial shall require the applicant to submit a new application with applicable fees, and recommencement of the Village's review period.

The applicant must notify the Village in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

- (e) Pole Attachment Agreement: Within 30 days after an approved permit to collocate a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a Master Pole Attachment Agreement, provided by the Village for the initial collocation on a municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement.

3. **Completeness of Application:** Within 30 days after receiving an application, the Village shall determine whether the application is complete and notify the applicant. If an application is incomplete, the Village must specifically identify the missing information. An application shall be deemed complete if the Village fails to provide notification to the applicant within 30 days after all documents, information and fees specifically enumerated in the Village's permit application form are submitted by the applicant to the Village.

Processing deadlines are tolled from the time the Village sends the notice of incompleteness to the time the applicant provides the missing information.

4. **Tolling:** The time period for applications may be further tolled by:
 - (a) An express written agreement by both the applicant and the Village; or
 - (b) A local, State or federal disaster declaration or similar emergency that causes the delay.
5. **Consolidated Applications:** An applicant seeking to collocate small wireless facilities within the jurisdiction of the Village shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the Village may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The Village may issue separate permits for each collocation that is approved in a consolidated application.

6. **Duration of Permits:** The duration of a permit shall be for a period of not less than 5 years, and the permit shall be renewed for equivalent durations unless the Village makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable Village codes or any provision, condition or requirement contained in this Chapter.

If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable Village code provisions or regulations in effect at the time of renewal.

7. **Means of Submitting Applications:** Applicants shall submit applications, supporting information and notices to the Village by personal delivery at the Village's designated place of business, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

(C) **Collocation Requirements and Conditions:**

1. **Public Safety Space Reservation:** The Village may reserve space on municipal utility poles for future public safety uses, for the Village's electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the Village reasonably determines that the municipal utility pole cannot accommodate both uses.

2. **Installation and Maintenance:** The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this Chapter. The wireless provider shall ensure that its employees, agents or contracts that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.
3. **No interference with public safety communication frequencies:** The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

The Village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

4. The wireless provider shall not collocate small wireless facilities on Village utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

5. The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.
6. The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a Village ordinance, written policy adopted by the Village, a comprehensive plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.

7. **Alternate Placements:** Except as provided in this Collocation Requirements and Conditions Section, a wireless provider shall not be required to collocate small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the Village may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 100 feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the Village, the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph.

8. **Height Limitations:** The maximum height of a small wireless facility shall be no more than 10 feet above the utility pole or wireless support structure on which the small wireless facility is collocated.

New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

- (a) 10 feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the Village, that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the Village, provided the Village may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or
- (b) 45 feet above ground level.

9. **Height Exceptions or Variances:** If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a [SPECIAL USE PERMIT, VARIANCE OR ADMINISTRATIVE WAIVER] in conformance with procedures, terms and conditions set forth in [INSERT APPROPRIATE SECTION(S) OF ZONING CHAPTER].
10. **Contractual Design Requirements:** The wireless provider shall comply with requirements that are imposed by a contract between the Village and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.
11. **Ground-mounted Equipment Spacing:** The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.
12. **Undergrounding Regulations:** The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.

13. Collocation Completion Deadline: Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless the Village and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed 360 days after issuance of the permit. Otherwise, the permit shall be void unless the Village grants an extension in writing to the applicant.

(D) Application Fees: Application fees are imposed as follows:

1. Applicant shall pay an application fee of \$650 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and \$350 for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.
2. Applicant shall pay an application fee of \$1,000 for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.
3. Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section shall be accompanied by the required application fee. Application fees shall be non-refundable.
4. The Village shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:
 - (a) routine maintenance;
 - (b) the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the Village at least 10 days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with subsection d. under the Section titled Application Requirements; or
 - (c) the installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.
5. Wireless providers shall secure a permit from the Village to work within rights-of-way for activities that affect traffic patterns or require lane closures.

(E) Exceptions to Applicability: Nothing in this Chapter authorizes a person to collocate small wireless facilities on:

1. property owned by a private party or property owned or controlled by the Village or another unit of local government that is not located within rights-of-way, or a privately-owned utility pole or wireless support structure without the consent of the property owner;
2. property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

3. property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Chapter do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Chapter shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Chapter.

- (F) **Pre-Existing Agreements:** Existing agreements between the Village and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on Village utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the Village's utility poles pursuant to applications submitted to the Village before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after June 1, 2018, shall comply with this Chapter.

A wireless provider that has an existing agreement with the Village on the effective date of the Act may accept the rates, fees and terms that the Village makes available under this Chapter for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted two or more years after the effective date of the Act by notifying the Village that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the Village's utility poles pursuant to applications submitted to the Village before the wireless provider provides such notice and exercises its option under this paragraph.

- (G) **Annual Recurring Rate:** A wireless provider shall pay to the Village an annual recurring rate to collocate a small wireless facility on a Village utility pole located in a right-of-way that equals (i) \$200 per year or (ii) the actual, direct and reasonable costs related to the wireless provider's use of space on the Village utility pole.

If the Village has not billed the wireless provider actual and direct costs, the fee shall be \$200 payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

- (H) **Abandonment:** A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within 90 days after receipt of written notice from the Village notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the Village to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within 90 days of such notice, the Village may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the Village if it sells or transfers small wireless facilities within the jurisdiction of the Village. Such notice shall include the name and contact information of the new wireless provider.

8-18-4 **DISPUTE RESOLUTION:** The Circuit Court of Tazewell shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the Village shall allow the collocating person to collocate on its poles at annual rates of no more than \$200 per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

8-18-5 **INDEMNIFICATION:** A wireless provider shall indemnify and hold the Village harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the Village improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Chapter and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the Village or its employees or agents. A wireless provider shall further waive any claims that they may have against the Village with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

8-18-6 **INSURANCE:**

(A) The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

1. property insurance for its property's replacement cost against all risks;
2. workers' compensation insurance, as required by law;

OR

3. commercial general liability insurance with respect to its activities on the Village improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of Village improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the Village as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the Village in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the Village. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the Village.

(Ord. 19-07, 8-6-18)

