

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 199 - January 2009
Includes Ordinance: 08-20

REMOVE PAGES HEADED

INSERT PAGES HEADED

TITLE 8:

8-4-14 (C) All future systems, only...
(And the rest of Title 8, Ch. 4)

8-4-14 (C) All future systems, only...
(And the rest of Title 8, Ch. 4)

TITLE 10:

10-4-3 (H) Landscaped Buffers

10-4-3 (H) Landscaped Buffers

PREFACE

This volume of the Village Code of the Village of Morton, as supplemented, contains ordinances up to and including ordinances:

08-20, October 6, 2008

Ordinances of the Village adopted after said ordinances supersede the provisions of this Village Code to the extent that they are in conflict or inconsistent therewith. Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.

- (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 at a water service location with the following rules:

1. The forgiveness shall be applied only once in a five (5) year period, commencing with the first forgiveness.
2. The owner of the service account (bill to individual) must request the forgiveness in writing to the Water Utility at the Morton Village Office, 120 N. Main Street, Morton, Illinois, 61550.
3. The request must be based upon an internal failure within the service locations water system, the nature of which is to be specified when requesting the forgiveness. Documentation may be required.
4. Water system failures must be repaired in a timely fashion, not to exceed ten (10) days from discovery.
5. Forgiveness will include both water and sewer charges in excess of average yearly usage, as calculated by the Village staff.
6. Bill adjustments will not exceed three (3) billing periods. (Ord. 08-20, 10-6-08)

(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)

- (H) Landscaped Buffers Or Screening Required: Newly established industrial uses adjacent to or backing on residential or business districts, or newly established business uses adjacent to or backing on residential districts, or newly established multi-family uses adjacent to or backing on single-family uses, shall provide and continuously maintain on that property line a dense hedge, tree row, or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another.
- (I) Obstructions To Visibility At Intersections Prohibited¹: On a corner lot, no obstruction to visibility shall be allowed within a triangular area formed by the intersecting property lines along the fronting streets and a straight line joining said lot lines at points the following distances from the intersection of such intersecting lot lines for types of streets as designated on the Official Map:
1. Twenty feet (20') for local streets, and
 2. Thirty five feet (35') for all other streets.
- This provision shall apply to obstructions on and after September 17, 2001.
(amd. Ord. 01-17, 9-17-01)
- (J) Minimum Square Footage For Single-Family Residences: Any building used as a single-family residence shall contain on the ground floor eight hundred (800) square feet of livable floor space.
- (K) Zoning Of Bona Fide Agricultural Uses: Notwithstanding the above, none of the following regulations, with the exception of yard requirements, shall be applicable to bona fide agricultural uses. This shall not be construed, however, as eliminating the necessity of agricultural uses from applying for and obtaining the necessary building and zoning permits prior to construction, alteration, or moving of buildings. No fee, however, shall be required for a zoning permit for such bona fide agricultural uses. (Ord. 78-31, 3-5-79)
- (L) Satellite Dishes: A satellite antenna dish, which is defined as a device used for the reception of communications or other signals from orbiting satellites, is permitted in districts zoned R-S, R-1, R-2, and R-3, subject to the following conditions:
1. Dishes mounted on the ground level shall not exceed a height of twelve feet (12').
 2. Dishes mounted on the rooftop or chimney of a structure shall not be greater than two feet (2') in diameter, and the highest point of the dish shall not exceed thirty five feet (35') measured from the top to the curb level.
 3. The dish shall not contain any lettering other than that placed on same identifying the manufacturer and shall not otherwise be used for the display of messages.
 4. Ground-mounted dishes shall be located only in the rear yard and shall be subject to a ten foot (10') setback on the rear yard property line and a ten foot (10') setback on the side yard lot line. If an easement requires a greater setback than the foregoing, then the easement setback shall apply.

¹ Similar sign regulations in Subsection 10-9-4(B) of this Title.

5. Ground-mounted dishes shall be reasonably concealed from the view at ground level of adjacent properties on all sides, except the side to which the dish is directed to receive the signal. On that side the view shall be obscured to the extent possible without interfering with the reception of the signal. Fencing or landscape screening shall be used for such purpose subject to the general requirements for same as provided in other sections of this Code. Any landscape screening that is used must be planted within six (6) months of the date of the installation of the dish and must be continuously maintained. Any landscape screening that is used must be nondeciduous and must be of a minimum height of four feet (4') when planted. (Ord. 84-22, 3-4-85)
6. A ground-mounted dish shall be considered an accessory use. (Ord. 93-2, 5-17-93)
7. A satellite antenna dish may be used only if it is permanently affixed to the ground, rooftop, or chimney of a structure. Satellite antenna dishes may not be located or affixed to any movable object, including, but not limited to, motor vehicles, trailers, or other movable objects. The use of a satellite antenna dish on a temporary basis is expressly prohibited. (Ord. 84-22, 3-4-85; amd. Ord. 93-4, 5-17-93)

(M) One satellite antenna dish is permitted in districts zoned MH, B-1, B-2, B-3, I-1, or I-2. The satellite antenna dish may be located only on the rooftop or in the rear yard, shall be subject to all other zoning requirements and restrictions, and shall be subject to site plan review. (Ord. 83-4, 5-16-83)

(N) Swimming pools where permitted shall be subject to the following:

1. Each swimming pool shall conform to the requirements of an accessory use.
2. Surrounding each swimming pool, whether the pool be inground or above ground, there shall be erected an enclosure fence which shall be at least five feet (5') in height. A wall of at least five feet (5') in height is sufficient for one (1) or more sides of the enclosure. A screened-in patio area completely enclosing a pool shall be considered appropriate enclosure.

All existing swimming pools that have an enclosure fence of at least four feet (4') in height and/or walls of at least four feet (4') in height may remain in existence, and no modifications are needed to same. In such cases, said fences or walls may be repaired or maintained, but they shall not be replaced or moved from their present location.

3. The gates of the required fence shall be self-closing and have self-latching latches placed at least four feet (4') above the ground. The fence shall be so constructed as to not allow a five inch (5") diameter sphere to pass through the fence.
4. No pool, the construction of which is completed after the effective date of this Ordinance, shall be filled with water of a depth of two feet (2') or more until the enclosure required by this Section has been provided.
5. The enclosure required by this Chapter shall be installed around all existing pools no later than May 1, 1992, subject to the provisions of Subsection 2 of this Section. (Ord. 91-8, 7-15-91)
6. If on July 15, 1991, there was a fence of at least thirty six inches (36") in height located around an existing swimming pool, then said existing fence shall only have to meet the four foot (4') height requirement if same is modified to said height prior to May 1, 1992. If said existing fence is not modified to four feet (4') prior to said date, then it must meet the five foot (5') height requirement after that date. (Ord. 91-12, 2-3-92)

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 200 - March 2009
Includes Ordinances: 08-34, 08-37, 08-38, 08-39, 08-40, 08-41

REMOVE PAGES HEADED

INSERT PAGES HEADED

TITLE 3:

3-8-1	RESTAURANT: Any public place.. (And the rest of Title 3, Ch. 8)	3-8-1	RESTAURANT: Any public place.. (And the rest of Title 3, Ch. 8)
NONE	(New Section)	3-28-1	CHAPTER 28 TAX ON SALE OF GAS (Insert after Ch. 27)

TITLE 4:

4-1-1	CHAPTER 1 BUILDING CODE... (And the rest of Title 4, Ch. 1)	4-1-1	CHAPTER 1 BUILDING CODE... (And the rest of Title 4, Ch. 1)
4-4-1	CHAPTER 4 ELECTRICAL CODE	4-4-1	CHAPTER 4 ELECTRICAL CODE

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8-2-10	4. The Village shall be given.. (And the rest of Title 8, Ch. 2)	8-2-10	4. The Village shall be given.. (And the rest of Title 8, Ch. 2)
8-13-1	CHAPTER 13 BASIC ANNEXATION FEES	8-13-1	CHAPTER 13 BASIC ANNEXATION FEES

PREFACE

This volume of the Village Code of the Village of Morton, as supplemented, contains ordinances up to and including ordinances:

08-34, February 2, 2009
08-37, March 16, 2009
08-38, March 2, 2009
08-39, March 2, 2009
08-40, March 16, 2009
08-41, March 16, 2009

Ordinances of the Village adopted after said ordinances supersede the provisions of this Village Code to the extent that they are in conflict or inconsistent therewith. Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.

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- RESTAURANT:** Any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests (and where the sale or consumption of alcoholic liquors is only incidental to the serving of meals).
- RETAILER:** A person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.
- SALE:** Any transfer, exchange, or barter in any manner or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant, or employee. The term "sale" includes any transfer of alcoholic liquor from a foreign importer's license to an importing distributor's license even if both licenses are held by the same person.
- SELL AT RETAIL:** Any "sale at retail" refers to and means sales for use or consumption and not for resale in any form.
- SPIRITS:** Any beverage which contains alcohol obtained by distillation mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances.
- TAVERN:** Any person, including restaurants, hotels, and motels, who sells or offers for sale at retail any alcoholic liquor for use or consumption upon the premises and not for resale in any form; provided, however, that this definition shall not be construed to apply to any duly licensed, practicing physician or dentist in the strict practice of his profession, or any hospital or other institution caring for sick or diseased persons in the bona fide treatment of such patients, or any drug store employing a licensed pharmacist in the concoction of prescriptions of duly licensed physicians, or the authorized representative of any church for the purposes of conducting any bona fide right or religious ceremony conducted by such church.
- TO SELL:** Includes to keep or expose for sale and to keep with intent to sell.
- WINE:** Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits as defined herein.

3-8-2: LICENSE REQUIRED: No person, either by himself or his agent, or any person acting as an agent, barkeeper, clerk, or servant of another shall sell or offer for sale at retail within the limits of the Village any alcoholic liquor without first having obtained a license to do so as provided in this Chapter. No such person shall sell or offer for sale any alcoholic liquors in violation of the terms and provisions of this Chapter. It shall be unlawful for any such person to allow any customer, guest, or patron to bring any alcoholic liquor into such establishment for consumption on the premises or to serve any alcoholic liquor purchased off the premises by a customer, patron, guest, or other person, unless that establishment has a Class G license; provided, however, that this prohibition shall not apply in those instances where an establishment rents out its facilities to a third party and said third party brings any alcoholic liquor into such establishment for consumption on the premises by said third party and its guests. (amd. Ord. 08-37, 3-16-09)

3-8-3: TYPES OF LICENSES:

(A) Classification: There shall be the following classes of licenses to sell alcoholic liquor at retail, subject to the fees indicated: (Ord. 08-37, 3-16-09)

1. Class A-1: Class A-1 licenses shall authorize the sale at retail of beer and wine only for consumption off the premises only. The annual fee for such licenses shall be one thousand four hundred forty dollars (\$1,440.00).

The licensee shall maintain such business only on a ground floor location with a minimum of one thousand four hundred (1,400) square feet of floor space and a minimum of twenty feet (20') of frontage and have no customer or public entrances or exits from or to any other building whatsoever and may sell only items incidental to the packaged liquor business, such as nonalcoholic beverages, cigarettes and tobacco products, glasses and bar supplies, as well as food stuffs, provided that the display of such food stuffs shall not take up more than five percent (5%) of the square footage of floor space.

This license shall not be issued to any establishment where motor fuel is sold or offered for sale from approved pumps, whether through an attendant or by self-service. For purposes of this section, motor fuel shall include all volatile and flammable liquids which are produced, blended, or compounded, or which are suitable or practicable for operating motor vehicles.

Additionally, this license shall authorize the licensee to conduct unlimited product tasting of beer or wine in the licensed premises.

2. Class A-2: Class A-2 licenses shall authorize the sale at retail of beer and wine only for consumption on the premises only. The annual fee for such licenses shall be one hundred twenty dollars (\$120.00).
3. Class A-3: Class A-3 licenses shall authorize the sale at retail of beer and wine only for consumption off or on the premises. The annual fee for such licenses shall be three hundred sixty dollars (\$360.00).
4. Class A-4: Class A-4 licenses shall authorize the sale at retail of wine only for consumption off the premises only. The annual fee for such licenses shall be three hundred dollars (\$300.00).

Additionally, this license shall authorize the licensee to conduct unlimited product tasting of wine in the licensed premises.

5. Class B-1: Class B-1 licenses shall authorize the sale at retail of alcoholic liquors for consumption off the premises only. The annual fee for such licenses shall be one thousand four hundred forty dollars (\$1,440.00).

The licensee shall maintain such business only on a ground floor location with a minimum of one thousand four hundred (1,400) square feet of floor space and a minimum of twenty feet (20') of frontage and have no customer or public entrances or exits from or to any other building whatsoever and may sell only items incidental to the packaged liquor business, such as nonalcoholic beverages, cigarettes and tobacco products, glasses and bar supplies, as well as food stuffs, provided that the display of such food stuffs shall not take up more than five percent (5%) of the square footage of floor space.

This license shall not be issued to any establishment where motor fuel is sold or offered for sale from approved pumps, whether through an attendant or by self-service. For purposes of this section, motor fuel shall include all volatile and flammable liquids which are produced, blended, or compounded, or which are suitable or practicable for operating motor vehicles.

Additionally, this license shall authorize the licensee to conduct unlimited product tasting of beer or wine in the licensed premises.

6. Class B-2: Class B-2 licenses shall authorize the sale at retail of alcoholic liquors for consumption on the premises only. The annual fee for such licenses shall be two hundred forty dollars (\$240.00).
7. Class B-3: Class B-3 licenses shall authorize the sale at retail of alcoholic liquors for consumption off or on the premises. The annual fee for such licenses shall be six hundred dollars (\$600.00).
8. Class C: Class C licenses shall authorize the sale at retail of alcoholic liquors at a club for consumption on the premises only. The annual fee for such licenses shall be twelve dollars (\$12.00).

The holder of a Class C license may serve such alcoholic liquors only to persons as are members of the licensee and their guests. It shall be unlawful for any holder of such a license to dispense alcoholic liquors to the general public under such license. Any violation thereof shall automatically cancel such license and constitute the licensee a public tavern subject to the payment of a Class B-2 license fee and subject to the penalties for violation and failure to pay such fee. Notwithstanding anything else to the contrary herein, a Class C license is limited to a usage for fifty two (52) days during a period beginning May 1 and ending April 30 for which the license was issued. Any use in excess of said fifty two (52) days shall be deemed a violation of this Title 3, Chapter 8 and shall subject the license holder to the penalties for violation of same.

9. Class D: Class D licenses shall authorize the sale at retail of beer and wine only in a grocery store for consumption off the premises only. The annual fee for such licenses shall be one thousand four hundred forty dollars (\$1,440.00).

For purposes of this section, a grocery store is defined as a store with a minimum of five thousand (5,000) square feet of floor space that is engaged in the sale at retail of baked goods, canned and frozen food, dairy products, dry goods, fresh and prepared meats, fresh fruits and vegetables, health and beauty aids, snack goods, and soft drinks and other non-alcoholic beverages. A grocery store does not include a store that has less than two hundred fifty thousand dollars (\$250,000.00) in annual gross sales of food, excluding the following:

- a. Alcoholic beverages.
- b. Candy, chewing gum, and confectionaries.
- c. Cocktail mixers.
- d. Food or beverages sold through a vending machine.
- e. Medicines, tonics, vitamins, and other dietary supplements.
- f. Pet food.
- g. Sodas, soft drinks, and other similar beverages.
- h. Tobacco products.

This license shall not be issued to any grocery store where motor fuel is sold or offered for sale from approved pumps, whether through an attendant or by self-service. For purposes of this section, motor fuel shall include all volatile and flammable liquids which are produced, blended, or compounded, or which are suitable or practicable for operating motor vehicles.

All Class D licenses issued shall be subject to the following:

(a) Security

- (1) Security cameras shall at all times be in operation and the licensee shall keep a copy of the video for one week. In the event the Village of Morton wants a copy of the video, licensee shall provide same to the Village. The licensee may dispose of any video after one week. Security cameras shall be placed so as to provide coverage of all points of sale and aisles where beer and wine are displayed.
- (2) During hours when beer and wine sales are not allowed, the following shall apply:
 - a. An aisle that has beer and wine on both sides shall be blocked with a heavy gauge, locked fence or gate.
 - b. An aisle that has beer and wine on only one side shall be blocked with a heavy gauge, locked fence, gate, or pull down or across cover.
- (3) Excess beer and wine inventory not displayed for sale shall be secured in a locked cage or room in the store's warehouse or storage area. No one under 21 years of age shall have access to the warehouse or storage area, or be involved in the handling, stocking, or inventorying of beer or wine products.
- (4) Check-out lanes for beer and wine shall be designated with appropriate signage. No employee under the age of 21 may scan any alcohol item for purchase during check-out. A cashier or supervisor over 21 years of age must scan every alcohol item for purchase during customer check-out.
- (5) There shall be no self check-out.
- (6) The restricted sale times must be "flagged" in the Point of Sale system so as not to allow sales during restricted hours.

(b) Employee Training

- (1) Licensee shall conduct a corporate training program related to alcohol sales that includes one-on-one instruction, ongoing supervision, and refresher training that is equivalent to or better than the Beverage Alcohol Sellers and Servers Education and Training (BASSET) program of the Illinois Liquor Commission.
- (2) Certification of the program and completion of it by each employee who will act as a cashier for any liquor sales shall be provided at the time of the issuance of the license or any renewal. If different employees other than those originally listed are to act as cashier for any liquor sales, then a certification must be provided when an employee is added and before the employee acts as a cashier.

(c) Display

- (1) Beer and wine may be displayed in only one aisle of the store and that specific aisle must be designated in writing to the Liquor Control Commissioner and approved in writing by the Liquor Control Commissioner. Any change to a different aisle must go through the reapplication process. Beer and wine shall be displayed only within the aisle approved by the Liquor Control Commission, and any change of display must be approved by the Liquor Control Commissioner.
- (2) Beer and wine shall not be displayed on the ends of the designated aisle.
- (3) Access to aisles shall only be permitted on the end.

(d) Promotions

- (1) Cross sales promotions using actual beer or wine products may only occur in the aisle where beer and wine are permitted to be displayed.
- (2) Beer and wine advertisements and promotions shall only be displayed in the aisle where beer and wine are permitted to be displayed.

(e) Beer And Wine Product Tasting

Beer and wine product tasting shall only be conducted in a segregated area of the store to be approved by the Liquor Commissioner. No persons under the age of 21 may participate in beer or wine product tasting. No persons under the age of 21 can be in the designated area where beer or wine product tasting is taking place, unless that person is accompanied by a parent or legal guardian. No persons under the age of 21 may participate in the product tasting in any way. The store shall be responsible for checking the age of every person participating in the the beer or wine product tasting.

(f) Additional Restrictions And Requirements

Additional restrictions and requirements as the Village may from time to time adopt shall apply to the license upon thirty (30) days notice by the local Liquor Control Commissioner. If the license holder elects not to comply with the revised or additional restrictions or requirements, the license shall be terminated no later than the 30th day after notice has been given and the pro rata share of any license fee shall be refunded. (amd. Ord. 08-10, 8-18-08; amd. Ord. 08-22, 12-1-08)

10. Class E: Class E licenses shall be a supplementary license authorizing the sale at retail of alcoholic liquors in an outdoor eating, drinking or seating area (i.e., beer garden, open air cafe, patio, etc.) located adjacent to and operated by and in conjunction with an otherwise licensed premise subject to the following:

- (a) Only those licensees holding a Class A-2, Class A-3, Class B-2, Class B-3, or Class G liquor license shall be eligible to apply for, receive, and hold a Class E license, which allows for the sale and consumption of alcoholic liquor off premises. Only those alcoholic liquors lawfully licensed to be sold and consumed in the adjacent licensed premises may be sold and/or consumed in the outdoor eating, drinking, or seating area. All other provisions of the Morton Municipal Code pertaining to the respective liquor license class shall apply to the Class E licensed area unless otherwise provided herein.
- (b) The outdoor eating, drinking, or seating area must comply with the following:
 - (1) Be immediately adjacent and contiguous to the licensed premises, be viewable from the street or parking lot, and be accessible from the exterior.
 - (2) Be no greater in area than the gross floor area of the licensed premises.
 - (3) Have the ability to be illuminated in case of emergency.
 - (4) For restaurants, be contained by fencing or other suitable material at least four feet (4') in height, measured from the finished floor elevation of the outside eating, drinking, or seating area, which defines the seating area and sets that area apart from the surrounding property and provides for limited and controlled access to the outside eating, drinking and seating area.

- (5) For establishments other than restaurants, be accessible to customers and patrons from the interior of the licensed premises only and be entirely and completely contained by fencing or other suitable material at least six feet (6') in height, measured from the finished floor elevation of the outside eating, drinking, or seating area, which effectively prevents the passing of alcohol to the outside and defines the seating area and sets that area apart from the surrounding property.
- (6) The hours of operation of the outside eating, drinking, and seating area shall not extend past 1:00 A.M. or the closing time required for the licensed premises pursuant to Section 3-8-4, whichever is earlier.
- (c) At least one fully operable, emergency only exit shall be provided from the outdoor eating, drinking, or seating area directly to the outside for establishments other than restaurants and for any restaurant where the only other means of egress is through the interior of the licensed premises. Said emergency only exit shall be in addition to the access provided directly from the licensed premises, may be used to provide a means of egress/ingress for persons whose physical limitations or handicaps preclude their entrance or exit from the interior of the licensed premises, and may be used for the purpose of taking delivery of products, materials, and supplies.
- (d) The total square footage of the outdoor eating, drinking, or seating area shall be included in the total parking calculations and requirements for the site.
- (e) No amplified sound or music nor any live entertainment shall be permitted in the outdoor eating, drinking, or seating area after 10:00 P.M. and shall at all times be subject to all noise limitations of the Village.
- (f) Each and every owner, operator, and/or manager licensed to sell alcoholic liquors in an outdoor eating, drinking, or seating area shall provide regular, diligent, and effective management and employee oversight and control of such outdoor eating, drinking, or seating area to assure compliance with the provisions of this Chapter and the Morton Municipal Code.

The annual fee for such licenses shall be one hundred twenty dollars (\$120.00), which shall be in addition to any other fees required by license holders pursuant to this Chapter.

Notwithstanding any other provision of this Chapter, it shall be unlawful for any liquor licensee to serve or allow to be consumed alcoholic liquor at an outdoor eating, drinking, and seating area without first obtaining a license as provided herein.

For purposes of this Class E license only, the term "Off Premises" shall mean an area outside and adjacent to a building for which a liquor license to sell and/or consume alcoholic liquor, as the case may be, is issued and on which it shall be lawful to sell and/or consume alcoholic liquors, as the case may be, if the licenseholder also holds a Class E license.

11. Class F: A Class F license may be issued by the Local Liquor Control Commissioner and may be issued only for the sale at retail of alcoholic liquors in an outdoor beer garden, parking lot, yard, or similar outside area. Such area shall be adjacent to a licensed premises. A person seeking to obtain such license must be the holder of a current liquor license which permits the selling and consumption of alcoholic liquor in the adjacent premises.

Any Class F licenses issued shall be further subject to the following:

- (a) Each such license issued shall set forth the number of days for which it is granted, except that it may not exceed seven (7) days.

- (b) Each such license issued shall set forth the permitted location and the permitted hours of operation, which in no event shall exceed the allowable hours of operation for the particular license held by the applicant. The location shall be on the premises where a license is issued or immediately adjacent thereto.
 - (c) Upon the approval of the issuance of such license, the applicant shall pay the sum of fifty dollars (\$50.00) plus twenty-five dollars (\$25.00) for each day of usage requested. Said fee is nonrefundable.
 - (d) No person may obtain a Class F license more than once in any sixty (60) day period.
 - (e) Upon the approval of the issuance of such license, the Chief of Police, or his designee, shall inspect and approve the outside area designated in the application for the Class F license before the license is provided to the applicant.
- 12 Class G: Class G licenses shall authorize a patron to bring his or her own beer or wine onto the premises for consumption on the premises. The annual fee for such licenses shall be sixty dollars (\$60.00).

The license shall be subject to all of the regulations of this Chapter, including but not limited to, underage consumption requirements.

(B) Other Permitted Uses:

1. A license holder shall be permitted to sell lottery tickets, provided he is duly licensed by the State of Illinois for same, and further provided that he complies at all times with the Illinois Lottery Law.
2. Class A-1, Class A-4, Class B-1, and Class D licenses permit the licensee to conduct product tasting of beer and/or wine, as the case may be, in the licensed premises, without limit to the number of such product tastings that may be conducted.
(amd. Ord. 08-37, 3-16-09)

3-8-4: **HOURS OF SALE:**

- (A) A person who has been granted a license pursuant to this Chapter shall not permit to be consumed or sold, as same may apply to the particular license granted, any alcoholic liquors, beer or wine except as follows:

Class A-1 holder: On Monday through Saturday, except Christmas Day, 9:00 A.M. to 11:00 P.M.; on Sunday and Christmas Day from 12:00 noon to 11:00 P.M.

Class A-2 holder: On Monday through Saturday from 12:00 midnight to 1:00 A.M. and from 10:00 A.M. to 12:00 midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 12:00 midnight.

Class A-3 holder: On Monday through Saturday from 12:00 midnight to 1:00 A.M. and from 10:00 A.M. to 12:00 midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 12:00 midnight.

Class A-4 holder: On Monday through Saturday, except Christmas Day, 9:00 A.M. to 11:00 P.M.; on Sunday and Christmas Day from 12:00 noon to 11:00 P.M.

Class B-1 holder: On Monday through Saturday, except Christmas Day, 9:00 A.M. to 11:00 P.M.; on Sunday and Christmas Day from 12:00 noon to 11:00 P.M.

Class B-2 holder: On Monday through Saturday from 12:00 midnight to 1:00 A.M. and from 10:00 A.M. to 12:00 midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 12:00 midnight.

Class B-3 holder: On Monday through Saturday from 12:00 midnight to 1:00 A.M. and from 10:00 A.M. to 12:00 midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 12:00 midnight.

Class C holder: On Monday through Thursday from 5:00 A.M. to 11:00 P.M.; on Friday from 5:00 A.M. to 12:00 midnight; on Saturday from 12:00 midnight to 1:00 A.M. and from 5:00 A.M. to midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 9:00 P.M.

Class D holder: On Monday through Saturday, except Christmas Day, from 10:00 A.M. to 10:00 P.M.; on Sunday and Christmas Day from 12:00 noon to 10:00 P.M.

Class E holder: As allowed by the granting of same.

Class F holder: As allowed by the granting of same.

Class G holder: On Monday through Saturday from 12:00 midnight to 1:00 A.M. and from 10:00 A.M. to 12:00 midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 12:00 midnight.

(B) On January 1 of each year, holders of Class A-2, Class A-3, Class B-2, Class B-3, and Class C liquor licenses may extend their hours of sale to 2:00 A.M. This extension is allowed provided that no additional patrons may be admitted after regular closing hours, and there shall be no advertising or invitation to the public that the premises are open after the regular closing hours; and, in the event of any disturbance of the peace within the licensed premises, the premises shall close on order of the police at any time after regular closing hours; and the extension of the New Year's Eve closing hour shall not further apply; and all patrons shall, on such order of the police, immediately leave the licensed premises.

(C) It shall be unlawful to keep open for business, to advertise it is open for business, or to admit the public to any licensed premises during the hours which it is prohibited from selling or dispensing alcoholic beverages or within thirty (30) minutes after the closing hour to permit any consumption or open containers of alcoholic beverages that could be used for consumption. No person other than the licensee or employees engaged in the performance of their duties shall be permitted to remain on said premises more than thirty (30) minutes after closing hours and until the premises may be legally reopened; provided, that in case of restaurants, such establishments may be kept open during such hours but no alcoholic liquor may be sold after the closing hour, nor shall any open container of alcoholic beverage be available to the public or any patron within thirty (30) minutes after the closing hour. (amd. Ord. 08-37, 3-16-09)

3-8-5: APPLICATION PROCEDURE; PAYMENTS; RENEWALS; TRANSFERS; LOCATION:

(A) Applications: Applications shall be directed to and filed with the Local Liquor Control Commissioner, or his designee, and shall be accompanied by the deposit of a certified or cashier's check of a Morton Bank, postal money order, or cash in the full amount of the annual license applied for. If any application is denied, the deposit shall be returned to the applicant. (Ord. 04-53, 3-7-05)

(B) Payments: License fees shall be payable in full prior to May 1 of the year of issuance. All licenses shall expire on April 30 next after the date of issue. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license. Payment shall be made to the Local Liquor Control Commissioner, or his designee. (amd. Ord. 00-54, 4-2-01; amd. Ord. 04-53, 3-7-05)

- (C) Renewals: Any licensee may renew his license prior to the expiration thereof; provided, that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purpose; and provided further, that the renewal privilege herein contained shall not be construed as a vested right which shall, in any case, prevent the Board of Trustees from decreasing the number of licenses to be issued within the Village.

Any person who shall fail to make application for renewal and pay the fee as herein provided shall be deemed to have forfeited and abandoned such license, and no renewal thereof shall thereafter be permitted. Any such license so forfeited or abandoned shall not be reissued, and any such person seeking thereafter to procure a license shall be considered as a new applicant and shall be subject to all limitations as to the number of licenses to be issued as heretofore provided.

- (D) Transfer Of License: A license shall be purely a privilege good for and not to exceed one year after issuance, unless sooner revoked as by law provided, and shall not constitute property; nor shall it be subject to attachment, garnishment, or execution; nor shall it be alienable or transferable voluntarily or involuntarily. Such license shall not descend by the law of testate or intestate devolution; but it shall cease upon the death of the licensee; provided, that executors or administrators of the estate of any deceased licensee and trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquors, may continue the business of the sale of alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than six (6) months after the death, insolvency, or bankruptcy of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this Subsection.

- (E) Change Of Location: A retail dealer’s license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon a written permit to make such changes issued by the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and the applicable provisions of this Code. (Ord. 85-19, 4-21-86; amd. Ord. 04-53, 3-7-05)

3-8-6: **LIMITATION ON NUMBER:** In order that the health, safety, and welfare of the people of the Village be protected, and in order that minors shall be prevented from the purchase of alcoholic liquors, and in order that temperance in the consumption of liquors be fostered and promoted, there shall be a limit upon the number of liquor licenses issued and in effect, which is as follows:

Class A	Zero (0)
Class B	Zero (0)
Class C	Fourteen (14)
Class D	One (1)
Class E	Three (3)
Class F	No specific limit
Class G	Three (3)
Class H	Two (2)

(Ord. 86-1, 5-5-86; amd. Ord. 86-14, 11-3-86; Ord. 87-11, 8-17-87; Ord. 88-14, 8-15-88; Ord. 89-10, 8-21-89; Ord. 95-1, 5-15-95; Ord. 97-14, 7-22-97; Ord. 97-38, 4-20-98; Ord. 98-30, 12-7-98; Ord. 98-49, 4-19-99; Ord. 99-12, 8-2-99; Ord. 99-17, 9-7-99; Ord. 99-38, 11-15-99; amd. Ord. 99-48, 2-21-00; amd. Ord. 00-02, 5-1-00; amd. Ord. 01-01, 5-7-01; amd. Ord. 02-10, 7-1-02; amd. Ord. 04-10, 6-21-04; amd. Ord. 04-21, 7-6-04; amd. Ord. 05-22, 10-17-05; amd. Ord. 05-47, 3-20-06; amd. Ord. 06-08, 6-5-06; amd. Ord. 08-10, 8-18-08; amd. Ord. 08-13, 9-15-08; amd. Ord. 08-15, 11-3-08, amd. Ord. 08-29, 12-1-08)

3-8-7: **LICENSES, APPLICATION REQUIREMENTS:** All applications shall be on forms approved by the local Liquor Control Commission and shall be submitted in writing, executed under oath or affirmation by the applicant seeking a license, shall be accompanied by a bond in the penal sum of one thousand dollars (\$1000.00) with corporate surety authorized to do business in the State of Illinois, and shall set forth the following information and statements:

- (A) The applicant's name and mailing address.
- (B) The name and address of the applicant's business.
- (C) If applicable, the date of the filing of the "assumed name" of the business with the County Clerk.
- (D) In case of a co-partnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; or, in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the Illinois Business Corporation Act¹ to transact business in the State of Illinois.
- (E) The name and address of the landlord if the premises are leased.
- (F) The date of the applicant's first request for a State liquor license and whether it was granted, denied, or withdrawn.
- (G) Whether the applicant has made an application for a liquor license which has been denied; and, if so, the reasons therefor.
- (H) Whether the applicant has ever had a previous liquor license suspended or revoked; and, if so, the reasons therefor.
- (I) Whether the applicant has ever been convicted of a gambling offense or felony; and, if so, the particulars thereof.
- (J) Whether the applicant possesses a current Federal Wagering or Gaming Device Stamp; and, if so, the particulars thereof.
- (K) Whether the applicant or any other person directly or indirectly in his place of business is a public official; and, if so, the particulars thereof.
- (L) Whether, in the case of an application for the renewal of a license, the applicant has made any political contributions within the past two (2) years; and, if so, the particulars thereof.
- (M) The applicant's name, sex, date of birth, Social Security number, position, and percentage of ownership in the business; and the name, sex, date of birth, Social Security number, position, and percentage of ownership in the business of every sole owner, partner, corporate officer, director, manager, and any person who owns five percent (5%) or more of the shares of the applicant business entity or parent corporations of the applicant business entity.
- (N) That he has not received or borrowed money or anything else of value and that he will not receive or borrow money or anything else of value (other than merchandising credit in the ordinary course of business for a period not to exceed ninety [90] days as herein expressly permitted under section 6-5 of the Liquor Control Act of 1934), directly or indirectly, from any manufacturer, importing distributor, or distributor, or from any representative of any such manufacturer, importing distributor, or distributor; nor be a part in any way, directly or indirectly, to any violation by a manufacturer, distributor, or importing distributor of Section 6-6 of the Liquor Control Act of 1934.

¹ S.H.A., Ch. 32, 1.01 et seq.

- (O) The length of time the applicant has resided in the Village prior to filing the application and all addresses at which the applicant has resided in the past five (5) years; if a corporation, the length of time the manager has resided in the Village prior to filing the application and all addresses at which the manager has resided in the past five (5) years.
- (P) The character of the business of the applicant; and, in the case of a corporation, the objects for which it was formed.
- (Q) The location and description of the premises or place of business which is to be operated under the license.
- (R) A statement whether applicant is an alcoholic or has received treatment for alcoholism or any drinking problem, or has been involved in any incident involving the police, including traffic, in which he was intoxicated, detailing the dates, locations, and results of any such treatment or incident.
- (S) A statement whether the applicant has received a local license to sell alcoholic liquors at retail from any state or political subdivision thereof.
- (T) A statement that the location where the applicant proposes to sell alcoholic liquors at retail is not within one hundred feet (100') of any church, school, hospital, home for aged, indigent persons, or veterans, undertaking establishment, or mortuary.

If said application is made on behalf of a partnership, firm, association, club, or corporation, then the same shall be signed and sworn or affirmed to by at least two (2) members of such partnership or the resident and secretary of such corporation or club. The applicant shall submit with the application documentary proof of his interest in the premises, whether by lease, deed, or otherwise.

3-8-8: APPLICATION, PERSONS INELIGIBLE: No license authorized by this Chapter shall be issued to:

- (A) A person who is not a resident of any city, village, or county in which the premises covered by the license are located, except in case of railroad or boat license.
- (B) A person who is not of good character and reputation in the community in which he resides.
- (C) A person who is not a citizen of the United States.
- (D) A person who has been convicted of a felony under any Federal or State law, if the Liquor Control Commission determines after investigation that such person has not been sufficiently rehabilitated to warrant the public trust.
- (E) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- (F) A person who has been convicted of being the keeper or is keeping a house of ill fame.
- (G) A person whose license issued under this Chapter or the laws of the State of Illinois has been revoked for cause.
- (H) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon first application.
- (I) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.

- (J) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.
- (K) A corporation, unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.
- (L) A person whose place of business is conducted by a manager, unless the manager or agent possesses the same qualifications required by the licensee.
- (M) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession, or sale of alcoholic liquor subsequent to the passage of this Chapter or has forfeited his bond to appear in court to answer charges for any such violation.
- (N) A person who does not beneficially own the premises for which the license is sought or does not have a lease thereon for the full period for which the license is to be issued.
- (O) Any law-enforcing public official, including members of the local Liquor Control Commission, any mayor, alderman, or member of the City Council or Commission, any president of the Village Board of Trustees, or any president or member of a county board; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission.
- (P) A person who is not a beneficial owner of the business to be operated by the licensee.
- (Q) A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(10) of Section 28-1 or as proscribed by Section 28-3 of the "Criminal Code of 1961" approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.¹
- (R) A person to whom a Federal Gaming Device Stamp or a Federal Wagering Stamp has been issued by the Federal government for the current tax period.
- (S) A co-partnership to which a Federal Gaming Device Stamp or a Federal Wagering Stamp has been issued by the Federal government for the current tax period, or if any of the partners have been issued a Federal Gaming Device Stamp or Federal Wagering Stamp by the Federal government for the current tax period.
- (T) A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a Federal Gaming Device Stamp or a Federal Wagering Stamp for the current tax period.
- (U) Any premises for which a Federal Gaming Device Stamp or a Federal Wagering Stamp has been issued by the Federal government for the current tax period. (Ord. 86-1, 5-5-86)

3-8-9: **APPLICATION, DECISION:** Within thirty (30) days after the submission of an application to the local Liquor Control Commission, the Liquor Control Commission shall either approve or deny said application; except that, if no action has been taken within said thirty (30) day period, said application shall be deemed to have been denied and no license shall issue. (Ord. 86-1, 5-5-86)

3-8-10: **BARTENDER PERMITS:** (Rep. by Ord. 94-3, 5-2-94)

¹ S.H.A. 720 ILCS.

3-8-11: LICENSE REVOCATION; SUSPENSION OR FINE: Any violation of any provisions of this Chapter or of the Liquor Control Act of 1934², any mis-statements or withholding of material information in an application for license, or any indebtedness to the Village shall be deemed cause for refusal of a license, revocation, or suspension of a license, or the levying of a fine against the license holder.

Any license granted as provided by this Chapter may be revoked or suspended for cause by the local Liquor Control Commission upon a finding of the local Liquor Control Commission that any provision of this Chapter has been violated; or, in the alternative, the local Liquor Control Commission may impose a fine.

All fines imposed shall be subject to the provisions of 235 Illinois Compiled Statutes 5/7-5 or as may from time to time be amended.

For purposes of this Section, a license holder shall be responsible for and accountable for any actions by his employees, agents, or anyone acting on his behalf with respect to any activities on the licensed premises.

3-8-12: LICENSE, APPEALS: No such license shall be revoked or suspended, nor may a fine be imposed unless the local Liquor Control Commission shall hold a public hearing upon at least three (3) days' written notice to the licensee, at which time said licensee may appear and defend. If the local Liquor Control Commission has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the Village, it may, without notice of hearing, order the licensed premises closed for not more than seven (7) days upon the issuance of a written order stating the reason for such conclusion. The local Liquor Control Commission shall give the licensee an opportunity to be heard during said seven (7) day period.

Within five (5) days of any hearing held pursuant to this Section, the local Liquor Control Commission shall, if it determines that the license shall be suspended or revoked or that a fine be levied, state the reasons for such determination in a written order of revocation or suspension or amount of fine and shall serve a copy of such order within the five (5) days upon the licensee, said service to be personal or by certified or registered mail, return receipt requested.

3-8-13: CARRYING OF ALCOHOLIC LIQUOR FROM PREMISES: No person shall carry any alcoholic liquors in an unsealed or opened container from the licensed premises where such alcoholic liquor was purchased.

No licensee or person as proprietor, agent, servant, or employee of such licensee shall knowingly permit any patron to violate this Section nor sell alcoholic liquors to such person knowing that such person intends to carry the alcoholic liquor from the premises in an open or unsealed container.

The foregoing provisions shall not apply when a licensee has been issued a Class F license and further provided that the person carrying such unsealed or open container does not carry same off of the area for which the Class F license has been granted.

3-8-14: CERTAIN ACTS PROHIBITED: It shall be unlawful for any licensee for on-premises consumption under this Chapter to suffer or permit any person on the premises or in any area which can be viewed from the premises acts of or acts which simulate:

- (A) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
- (B) The touching, caressing, or fondling of the breasts, buttocks, anus, or genitals.
- (C) The displaying of the pubic hair, anus, vulva, or genitals.

² S.H.A. 235 ILCS.

- (D) To permit any person to remain in or upon the licensed premises who commits any of the acts described above or allows another person to commit upon his or her body any of the acts described above.

3-8-15: **CLOSING PREMISES:** If a disturbance occurs on the licensed premises during the operating hours as set forth in this Chapter, which appears to endanger the lives, property, or persons of the patrons of a licensed premises, the Chief of Police or his delegate may order the licensed establishment to close its business until the next business day and may order all the patrons to leave the licensed premises immediately.

3-8-16: **CONDITION OF PREMISES:** All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for retail sale shall be kept in a clean and sanitary condition and shall be kept in full compliance with the provisions of this Chapter and other ordinances of the Village regulating the condition of premises.

3-8-17: **CURB SERVICE, DRIVE THRUS:** The premises for which a license has been issued shall not have drive-thru facilities whereby a consumer can purchase beer, wine, or other alcoholic liquor from a motor vehicle.

It is the intent and purpose of this Section to allow the purchase and/or sale of beer, wine, or other alcoholic liquor in the premises only, unless otherwise allowed by the issuance of a Class F license.

3-8-18: **DELIVERY TO MINORS:** No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver such alcoholic liquor to another person under the age of twenty one (21) years, except in the performance of a religious ceremony or service.

3-8-19: **DISPLAY OF LICENSE:** Every licensee shall cause his license issued under this Chapter to be framed and kept in plain view in a conspicuous place on the licensed premises.

3-8-20: **DISPLAY OF WARNING CARD:** Every place in the Village where alcoholic liquor is sold for beverage purpose shall display in a prominent place in plain view on the premises a printed card which shall read as follows:

WARNING TO MINORS

You are subject to a fine of up to five hundred dollars (\$500.00) under the ordinances of the Village of Morton if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

3-8-21: **ELECTION DAYS:** Liquor licensees may sell at retail alcoholic liquor on any election day in accordance with the limitations and restrictions of their respective class of license under the Morton Municipal Code.

3-8-22: **EXCEPTIONS:** The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents, parent, guardian, or guardians of such minor in the privacy of a home is not prohibited by this Chapter. (Ord. 85-19, 4 -21-86)

3-8-23: **GAMBLING:** No licensee shall permit any gambling or gambling devices in the place licensed or any place connected therewith. Failure of such licensee to prohibit gambling in his place of business shall be grounds for revocation or suspension of his license. (Ord. 85-19, 4-21-86)

3-8-24: **GENERAL REQUIREMENTS OF LICENSE HOLDER:** No licensee nor any officer, associate member, representative, agent, or employee of such licensee shall:

- (A) Sell or possess for sale any package containing alcoholic liquor unless the same shall have affixed thereto all cancelled revenue stamps which may be required by the State or Federal laws.

- (B) Sell, give, or deliver alcoholic liquor to any person under the age of twenty one (21) years or to any intoxicated person, or to any person known to him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment.
- (C) Harbor or permit any intoxicated person to linger on the premises described in the license or permit any conduct which shall tend to disturb the peace and quiet of the neighborhood of the premises.
- (D) Serve or permit any person to consume any alcoholic liquor in any portion of the premises, the interior of which is shut off from the general public by doors, curtains, screenings, partitions, or other devices of any kind, or maintain such an area as part of or adjacent to the premises.
- (E) Make sale of alcoholic liquors in excess of or contrary to the powers granted in any of the provisions of the license for the premises or in violation of the Liquor Control Act of 1934.
- (F) Employ or permit anyone under the age of twenty one (21) years to act as an entertainer, or to sell or serve alcoholic liquor, or to act as a bartender in the preparation of alcoholic liquor; except that a person of nineteen (19) years of age may serve such liquor to tables beyond the bar or place of preparation; provided, that all of the following conditions are met:
 1. The primary duty of such person is the serving of food and the servicing of patrons seated at tables.
 2. The service of alcoholic beverages is incidental to the service of food to patrons.
 3. Service shall not be at a counter primarily used for serving drinks (i.e., bar) or any portion of the establishment where meals are not generally served (i.e., cocktail lounge).
- (G) Allow the sale or consumption of alcoholic liquor in any area except in the premises, unless the licensee has been issued a Class F license, and in such case only as allowed under the conditions of such Class F license. (Ord. 85-19, 4-21-86)
- (H) Violate any provisions of Title 12 Chapter 2 of the Morton Municipal Code or violate any rules or regulations promulgated by any authority pursuant to the Smoke Free Illinois Act. (Ord. 07-52, 1-7-08)

3-8-25: **LOCATION RESTRICTIONS:** No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, hospital, home for the aged, indigent persons, or veterans, undertaking establishment, or mortuary; provided that this prohibition shall not apply to restaurants, regularly organized clubs, food shops, or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to taking effect of this Chapter, nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school since the issuance of the original license. In the case of a church, a distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship services or educational programs and not to property or boundaries. (Ord. 85-19, 4-21-86)

3-8-26: **MINORS IN TAVERNS:** It shall be unlawful for any minor person under the age of seventeen (17) years, unless accompanied by his parent, legal guardian, or other responsible adult at least twenty five (25) years of age having the custody and control of said minor person, to enter upon or attempt to enter any premises licensed as a tavern, except in the exercise of the legitimate business or trade of such minor; provided, however, that this Section shall not apply to restaurants, clubs, package liquor stores, or to that portion of bowling alleys other than those used exclusively or primarily for the sale and consumption of alcoholic liquors. (Ord. 85-19, 4-21-86)

3-8-27: **MISREPRESENTATION OF AGE:** If a licensee or his agent or employee believes or has reason to believe that sale or delivery of any alcoholic liquor is prohibited because of the nonage of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification containing proof of age, issued by a public official in the performance of his official duties.

For the purpose of preventing the violation of this Section, any licensee, his agent, or employee may refuse to sell or serve alcoholic beverages to any person who, in his opinion, is unable to produce adequate positive identification of identity and of the fact that he or she is at least the age of twenty one (21). (Ord. 85-19, 4-21-86; amd. Ord. 96-27, 10-21-96)

3-8-28: **PEDDLING:** It shall be unlawful to peddle alcoholic liquor in the Village. (Ord. 85-19, 4-21-86)

3-8-29: **PUBLIC PLACES, CONSUMPTION:** No person may consume or have in his possession an open container or a container with a broken seal containing any alcoholic beverage in any park or vehicle parking area open to the public or in any restaurant or eating places not licensed to serve alcoholic beverages within the Village.

The foregoing provisions shall not apply when a licensee has been issued a Class F license; and further provided, that the aforesaid activity is only permitted pursuant to the authority and provisions of such Class F license. (Ord. 85-19, 4-21-86)

3-8-30: **REPORTING OF INCIDENTS:** Each licensee and each of his agents and employees shall immediately report to the Police Department of the Village of Morton any incident occurring in or about the licensed premises and in his knowledge or view relating to the attempt or commission of any crime, including any violation of this Chapter, and shall truthfully and fully answer all questions and investigations of any identified police officer who makes inquiry concerning any persons in or about the licensed premises and any events taking place in and about the licensed premises. (Ord. 85-19, 4-21-86)

3-8-31: **RESTRICTED AREA:** It shall be unlawful to sell or offer for sale at retail any alcoholic liquor within any residential district of the Village. (Ord. 85-19, 4-21-86)

3-8-32: **SALE OF LICENSED PREMISES:** Upon application being filed with the Local Liquor Control Commissioner, or his designee, and upon payment of an investigation fee in the sum of fifty dollars (\$50.00), the Local Liquor Control Commissioner may issue a license to the purchaser of an established licensed business as a going concern. Such application must be for exactly the same class of license as that held by the seller, and such application shall be only for the same location as the previously licensed business. Any such purchaser shall make application for the issuance of a new license to him, and in such application he shall state the actual facts in respect to his purchase of such business. He shall also fill out an application form and furnish the information and make that statement similar to that required of any other licensee under Section 3-8-7 of this Chapter. Such application shall be investigated and approved or rejected in the case of applications for original licenses; and, if approved, the license shall be issued to such purchaser upon payment to the Local Liquor Control Commissioner, or his designee, of the license fee then due, without any credit for any unused portion of the previous license; and there shall be no rebate to any person for any unused portion of any license. No license shall be issued to the purchaser of such business until the seller of such business shall have surrendered his license to the Local Liquor Control Commissioner, or his designee, for cancellation. (Ord. 85-19, 4-21-86; amd. Ord. 04-53, 3-7-05)

3-8-33: **SHOWING OF CERTAIN FILMS, PICTURES PROHIBITED:** It shall be unlawful for any licensee for on-premises consumption under this Chapter to suffer or permit the showing on the premises or in any area which can be viewed from the premises of film, still pictures, electronic reproduction, or other visual reproductions depicting:

- (A) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
- (B) Any person being touched, caressed, or fondled on the breast, buttocks, anus, or genitals.

- (C) Scenes wherein a person displays the vulva or the anus or the genitals.
- (D) Scenes wherein artificial devices or inanimate objects are employed to depict or drawings are employed to portray any of the prohibited activities described above. (Ord. 85-19, 4-21-86)

3-8-34: **PENALTY PROVISIONS:** Any person other than a license holder who violates any of the provisions of this Chapter shall, upon conviction, be punished by a fine of not less than fifty dollars (\$50.00) or more than seven hundred fifty dollars (\$750.00) except that the minimum fine for violations of certain sections of this Chapter shall be as follows:

- (A) Section 3-8-14: Two hundred dollars (\$200.00).
- (B) Section 3-8-18: Two hundred dollars (\$200.00).
- (C) Section 3-8-27: (Rep. by Ord. 96-27, 10-21-96)
- (D) Section 3-8-33: Two hundred dollars (\$200.00).

License holders are subject to the provisions of Sections 3-8-1 and 3-8-12 of this Chapter and are subject to the fines provided for therein. (Ord. 85-19,4-21-86; amd. Ord. 99-37, 12-6-99)

3-8-35: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, 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 Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included. (Ord. 85-19, 4-21-86)

CHAPTER 28
TAX ON SALE OF GAS

SECTION:

3-28-1: Gas Tax

3-28-1: **GAS TAX:** There is hereby imposed a tax of 5% of the gross receipts on any person, firm, corporation, or legal entity engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of the Village. (Ord. 08-41, 3-16-09)

CHAPTER 1

BUILDING CODE AND BUILDING PERMITS

SECTION:

- 4-1-1: Adoption Of Building Code
- 4-1-2: Permits
- 4-1-3: Fees
- 4-1-4: Issuance Of A Building Permit
- 4-1-5: Revocation
- 4-1-6: Completion Of Work
- 4-1-7: Extension Of Time To Complete Work
- 4-1-8: Contractor Or Third Party Responsibility

4-1-1: **ADOPTION OF BUILDING CODE:** The 2000 Edition of the International Building Code, and any subsequent editions or amendments thereto, copyrighted by the International Code Council, Inc., a copy of which is on file in the office of the Village Clerk, is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, and location and maintenance of buildings and structures. The same is hereby incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the construction of all buildings and structures. All amendments and new or revised editions shall be effective sixty (60) days after the Village publishes a notice indicating that such amendments or new or revised editions have been placed on file at the office of the Village Clerk. Until such date, the prior editions shall remain in effect. (Ord. 90-37, 4-15-91; amd. Ord. 94-24, 11-21-94; amd. Ord. 00-42, 12-4-00)

4-1-2: **PERMITS:** It shall be unlawful to establish any use of a structure or land, including drives, walks, parking/loading areas, or any surfaced area, either by itself or in addition to another use; or to erect a new building or structure, or any part thereof; or to rebuild, structurally alter, add to, or relocate any building or structure, or any part thereof; or to establish a special use, without obtaining a permit from the Zoning Enforcing Officer in accordance with the following regulations.

Internal rearrangement of a building does not require a permit, unless the rearrangement does not conform with the district regulations.

(A) **Building Permits:** Applications for building permits shall be filed in written form with the Zoning Office of the Village and shall contain such information as required by the Zoning Enforcing Officer.

(B) **Certificate Of Occupancy:**

1. No land shall be occupied or used and no building hereafter erected, altered, or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Zoning Enforcing Officer.
2. All certificates of occupancy shall be applied for coincident with the application for a building permit, and said certificate shall be issued within three (3) days after the construction or alteration shall have been approved.
3. The Zoning Enforcing Officer shall maintain a record of all certificates.

4. If a building is occupied before a certificate of occupancy is issued, the owner of the building shall be subject to a minimum fine of two hundred fifty dollars (\$250.00) up to a maximum fine of seven hundred fifty dollars (\$750.00) for each and every day the building is occupied without a certificate of occupancy.

For residential properties, occupancy shall mean that any person is occupying the premises as his or her usual place of abode or that the premises is habitable and fit for occupancy.

For commercial properties, occupancy shall mean that any person is conducting any type of business activity on the premises at any time, or is suitable for the conducting of business.

In addition to any other penalties that might apply, utility service to the premises may be terminated upon notice by the Village. Notice may be mailed by first class mail, postage prepaid, to the owner as shown on the building permit, and shall be deemed effective at 5:00 p.m. of the second day after mailing. As an alternative, the Village may use personal delivery of the notice, and it shall be deemed effective upon delivery.

The utility service may be terminated on or after the effective day of the notice.
(Ord. 06-35, 12-4-06)

5. A temporary certificate of occupancy may be issued if, due to weather conditions, it is not reasonably practical to complete all construction matters. It shall be the sole discretion of the Zoning Enforcing Officer as to whether or not to issue a temporary occupancy permit, and if one is issued, all conditions referred to in the permit shall be strictly adhered to. If any are not, the Zoning Enforcing Officer may revoke the temporary occupancy permit, and in such case, the owner of the premises shall be subject to all of the provisions of paragraph 4. (Ord. 06-35, 12-4-06)

In order to obtain a temporary Certificate of Occupancy, the owner or builder must make a deposit in the Zoning Office. The required deposit is five hundred dollars (\$500.00) for residential (R-1 and R-2) and one thousand dollars (\$1,000.00) for a multi-family (R-3 and R-4) project, or for a commercial or industrial project. At the time the Temporary Certificate of Occupancy is issued, a completion date will be assigned. All required work must be completed by that date. If the required work is not completed by the assigned date, the deposit will be forfeited, and a notice of violation will be issued.
(amd. Ord. 08-34, 3-16-09)

- (C) Bona Fide Agricultural Uses: A building permit shall be obtained prior to the construction, alteration, or moving of buildings or structures. (Ord. 90-37, 4-15-91; amd. Ord. 06-35, 12-4-06; amd. Ord. 06-37, 1-2-07)

4-1-3: **FEES:**

- (A) Fees for building permits shall be based upon the following schedule:

<u>Valuation</u>	<u>Permit Fee</u>
Up to \$1,000.00	\$15.00
\$1,000.01 to \$5,000.00	\$30.00
\$5,000.01 to \$50,000.00	\$30.00 plus \$3.50 per \$1,000.00 over \$5,000.00
\$50,000.01 to \$100,000.00	\$187.50 plus \$2.50 per \$1,000.00 over \$50,000.00
\$100,000.01 to \$500,000.00	\$312.50 plus \$2.00 per \$1,000.00 over \$100,000.00
Over \$500,000.01	\$1,112.50 plus \$1.50 per \$1,000.00 over \$500,000.00
Zoning Permit	\$20.00

(amd. Ord. 03-02, 7-7-03)

- (B) If a person commences construction before obtaining a building permit, then such person shall pay, in addition to the building permit fee set forth above, the greater of twenty five dollars (\$25.00) or the amount of the fee as set forth above. Said additional fee plus the original fee shall be due within one day of notification by the Zoning Office of the Village.

For purposes of this Section, construction shall include excavation, site work, or any other work wherein a building permit is required by this Code. The provisions of this Section shall be in addition to the penalties set forth in Section 4-5-1 of this Title.

It shall not be a defense to the provisions of this Chapter that a person was unaware of the necessity of obtaining a permit or that a person had delegated such responsibility to a contractor.

In addition to the additional permit fee, any person commencing construction before obtaining a building permit shall be subject to a minimum fine of two hundred fifty dollars (\$250.00) up to a maximum fine of seven hundred fifty dollars (\$750.00) for each and every day that construction occurs without a building permit.

In addition to any other penalties that might apply, utility service to the premises may be terminated upon notice by the Village. Notice may be mailed by first class mail, postage prepaid, to the owner as shown on the building permit, and shall be deemed effective at 5:00 p.m. of the second day after mailing. As an alternative, the Village may use personal delivery of the notice, and it shall be deemed effective upon delivery.

The utility service may be terminated on or after the effective day of the notice. (Ord. 90-37, 4-15-91; amd. Ord. 06-35, 12-4-06)

- (C) In addition to the fees listed in Section A, applicants for certain permits issued for the construction of a building, as required under Section 4-1-2, shall pay an additional fee, as part of the building permit fee, for the purpose of fire and life safety evaluation and code enforcement.

Said fee shall be as follows:

1. Two hundred fifty dollars (\$250) for life safety and fire prevention code plan review, inspection and enforcement.
2. Two hundred seventy-five dollars (\$275) for sprinkler system/stand pipe plan review, inspection and code enforcement for systems with between one (1) and one hundred ninety-nine (199) sprinkler heads, or four hundred dollars (\$400) for systems with two hundred (200) or greater heads or systems that require a fire pump, when such a system is required by code or is otherwise to be installed.
3. Two hundred seventy-five dollars (\$275) for fire detection and alarm systems plan review, inspection and code enforcement, when such a system is required by code or is otherwise to be installed.
4. Three hundred dollars (\$300) for site plan review. (amd. Ord. 08-02, 5-5-08)

The following building types shall be exempt from the above provision:

1. One (1) and two (2) family dwellings, residential garages and storage buildings.
2. Accessory buildings as defined by Village ordinance.
3. School buildings.

4. Buildings that are regulated by State Law and are inspected by the Office of the State Fire Marshall, which may include, but is not limited to day care facilities.
5. Buildings used exclusively for agriculture or farm storage use.
6. Buildings that are not designed to be and are rarely occupied by people, as may be determined by the Director of Fire and Emergency Services. It should be made clear that the intent of this exemption is to exclude, but is not limited to, buildings such as those that are erected only for the purpose of housing or protecting mechanical, electrical, or pump equipment and the like, and are only occupied during maintenance of such equipment. (Ord. 04-07, 06-21-04)

(D) In addition to the above fees, plans that require more than two (2) reviews shall be billed at a reasonable hourly charge as may be established by, and paid directly to the party the Village has contracted with to perform such review. (Ord. 04-07, 06-21-04)

4-1-4: **ISSUANCE OF A BUILDING PERMIT:** The Zoning Enforcing Officer shall approve or deny issuance of a building permit within ten (10) business days of the date of filing the application, except when site plan review is required in accordance with Sec. 10-4-6 of this Code. A building permit shall not be issued until such time that all applicable fees have been paid. (Ord. 04-16, 6-21-04)

4-1-5: **REVOCAION:** A permit shall be revoked by the Zoning Enforcing Officer when it shall be found from personal inspection or from competent evidence that the rules or regulations under which it has been issued are being violated.

If a permit has been revoked and construction continues, any person continuing such construction shall be subject to a minimum fine of two hundred fifty dollars (\$250.00) up to a maximum fine of seven hundred fifty dollars (\$750.00) for each and every day that construction continues after the permit has been revoked.

Notice of revocation of the permit shall be mailed by first class mail, postage prepaid, to the applicants on the permit as stated on the application, and shall be deemed effective at 5:00 p.m. on the second day after mailing. As an alternative, the Village may use personal delivery of the notice, and then the revocation shall be effective upon receipt by any applicant.

In addition to any other penalties that might apply, utility service to the property may be terminated, if so stated in the notice of revocation, with termination to occur the next day after the effective day of receipt of the notice. In addition to any fines, or other remedies applicable to the Village, the owner shall be responsible for all fees as provided by ordinance to re-institute utility service. If a permit is revoked, construction shall immediately cease until the permit is reinstated.

In addition to any penalties that might apply, the owner of the property where the construction was taking place shall pay a fee of two hundred fifty dollars (\$250.00) for reinstatement of the building permit. (Ord. 90-37, 4-15-91; amd. Ord. 06-35, 12-4-06)

4-1-6: **COMPLETION OF WORK:**

(A) Work or change in use authorized by the zoning permit, but not started within ninety (90) days, shall require a new permit.

(B) Permits issued for new building construction or expansion shall require the completion of the exterior of the building(s) and all other exterior improvements specified in the building permit and approved drawing as follows:

1. If the cost of the project is under one million dollars (\$1,000,000), three hundred sixty (360) days from the permit issue date.
2. If the cost of the project is one million dollars (\$1,000,000) or more, but less than five million dollars (\$5,000,000), five hundred forty (540) days from the permit issue date.

3. If the cost of the project is five million dollars (\$5,000,000) or more, seven hundred twenty (720) days from the permit issue date.

(C) A permit shall be revoked and a notice of violation issued when it shall be found from personal inspection or competent evidence that the rules or regulations under which it has been issued are being violated. (Ord. 90-37, 4-15-91; amd. Ord. 07-28, 8-20-07)

4-1-7: **EXTENSION OF TIME TO COMPLETE WORK:** In the event that the exterior improvements as specified in the building permit will not be completed within three hundred sixty (360) days of the date it was issued, then an extended permit may be issued if all of the following criteria are met:

(A) Application to extend the permit is made at least seven (7) days prior to the original expiration date. (amd. Ord. 04-58, 4-4-05)

The Zoning Office shall have ten (10) days to review the extension request.

(B) The permit applicant or its agents or lessees are not occupying a building or structure which has not been completed per the building permit.

(C) The permit applicant or its agents or lessees are not using any portion of the property which has not been improved as required by the building permit.

(D) If the applicant desires to renew the permit for a period of less than six (6) months, the zoning office may issue same and in such case the permit fee shall be based on the value of the work to be completed, based on the schedule set forth in Title 4, Chapter 1, Section 3(A). (amd. Ord. 04-58, 4-4-05)

(E) If the work cannot be completed within six (6) months, then such application shall be made to the President and Board of Trustees who shall review same and determine whether there is just cause to allow a period greater than six (6) months and, if so, the length of time the permit will be extended. The renewal fee shall be based on the value of the work to be completed based on the schedule set forth in Title 4, Chapter 1, Section 3(A). (amd. Ord. 04-58, 4-4-05)

(F) An applicant may request the extension of a permit one time only, and the maximum extension shall be a period of three hundred sixty (360) days. (Ord. 96-30, 10-21-96)

4-1-8: **CONTRACTOR OR THIRD PARTY RESPONSIBILITY:** It is the intent of all regulations in this chapter that they apply to the owner of the property and any contractor or third party performing any construction work on property pursuant to a permit or in a situation where a permit is required.

The Village has discretion to determine in each case whether an ordinance violation shall be filed in the Circuit Court of Tazewell County, Illinois, against either or all of the following: the owner or owners of the property, the contractor, or a third party performing construction work. (Ord. 06-35, 12-04-06)

CHAPTER 4
ELECTRICAL CODE

SECTION:

- 4-4-1: Adoption Of National Electrical Code
- 4-4-2: Permit Required
- 4-4-3: Permits
- 4-4-4: Scheduling Inspections
- 4-4-5: Re-inspection Fee
- 4-4-6: Certifications

4-4-1: **ADOPTION OF NATIONAL ELECTRICAL CODE:** The 2008 National Electrical Code, and any subsequent editions or amendments thereto, copyrighted by the National Fire Protection Association, a copy of which is on file in the office of the Village Clerk, is hereby adopted for the purpose of establishing rules and regulations for the installation of all electrical wiring, installation of electrical fixtures, apparatus, or electrical appliances for furnishing light, heat, or power, or other electrical work introduced into or placed in or upon, or in any way connected to, any building or structure within the Village. The same is hereby incorporated as fully as if set out at length herein. All amendments and new or revised editions shall be effective sixty (60) days after the Village publishes a notice indicating that such amendments or new or revised editions have been placed on file at the office of the Village Clerk. Until such date, the prior editions shall remain in effect. (Ord. 90-37, 4-15-91; amd. Ord. 94-24, 11-21-94; amd. Ord. 08-26, 12-1-08)

4-4-2: **PERMIT REQUIRED:** Any electrical job in excess of one thousand dollars (\$1,000.00), or any increase in the electrical service, will require a permit and appropriate inspections. (Ord. 08-26, 12-1-08; amd. Ord. 08-40, 3-16-09)

4-4-3: **PERMITS:**

(A) Residential Permits:

New residential construction	\$400
Remodel projects and additions	\$200
Service inspection	\$100

(B) Commercial/Industrial Permits:

Based on Cost of Electrical for New Construction & Remodel Valuation	
	Fee
\$1,001 - \$2,500	\$100
\$2,501 - \$10,000	\$250
\$10,001 - \$15,000	\$350
\$15,001 - \$20,000	\$500
Over \$20,000	\$500 plus \$4 per \$1,000 over \$20,000 (rounded to nearest \$1,000)

(C) Sign Permits: \$100

(D) Service: \$100

In the event any work is started prior to the time a permit is obtained, the permit fee shall be doubled. (Ord. 08-26, 12-1-08; amd. Ord. 08-40, 3-16-09)

4-4-4: **SCHEDULING INSPECTIONS:** If a scheduled inspection is to be cancelled, the owner of the property or the contractor must contact the zoning department at least two (2) hours prior to the scheduled inspection time. All inspections not cancelled at least two (2) hours before the scheduled time shall be charged a re-inspection fee.

It is the responsibility of the owner or his contractor to request all inspections. Inspections shall be requested by notifying the zoning department during normal business hours and notification must be a minimum of twenty four (24) hours in advance of the needed inspection except for the final inspection which requires a forty eight (48) hours advanced notice. (Ord. 08-26, 12-1-08)

4-4-5: **RE-INSPECTION FEE:** In the event any re-inspections are needed the following fees shall apply:

1st re-inspection	\$50
2nd re-inspection	\$75
3rd re-inspection	\$100
4th re-inspection	\$125

(Ord. 08-26, 12-1-08)

4-4-6: **CERTIFICATIONS:** No electrician shall install any electrical equipment, systems, components, or materials without first having obtained a certificate of registration to do so from the Village of Morton, Tazewell County, Illinois.

A certificate of registration is not required for residential work provided the work is being done solely by the owner of the subject property. All electrical equipment must be installed in compliance with the National Electrical Code.

In order to obtain a certificate of registration to install electrical equipment as provided above, an electrician shall submit evidence of the following to the Zoning and Enforcing Officer:

1. A current license issued by any of the following communities:
 - a. Peoria, IL
 - b. Bloomington, IL
 - c. Springfield, IL
 - d. Decatur, IL
 - e. Pekin, IL
 - f. Ottawa, IL
 - g. Joliet, IL
 - h. any other Illinois testing community upon verification by the Zoning and Enforcing Officer; or
2. Evidence of successful completion of a test administered by any of the communities listed in subdivision (1) of this paragraph, or a national fire protection association test pertaining to the National Electrical Code and knowledge thereof.

Upon presentation by an electrician of satisfactory evidence of either of the items listed in (1) or paragraph (2) above, the Zoning and Enforcing Officer shall issue an electrical certification of registration to such an electrician. The electrical certification shall cost fifty dollars (\$50) per year and shall be issued on a calendar year basis. No electrical work may be done without an electrical certification. (Ord. 08-26, 12-1-08)

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. (Ord. 96-12, 7-1-96)

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
 - (a) 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 charge for residential service shall be allocated on a uniform basis with a constant progression, based on the following usage:

First 30 therms:
Over 30 therms:

7. The 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:
Next 650 therms:
Over 800 therms:

8. The 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:
Next 2,400 therms:
Next 12,000 therms:
Over 15,000 therms:

9. There shall be a customer charge for service each month for each classification. Said 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)

(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 13

BASIC ANNEXATION FEES

SECTION:

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

8-13-1: **PURPOSE:** It is appropriate to provide for a basic annexation fee for property that is annexed.

8-13-2: **FEE STRUCTURE:** All property annexed 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)
(Ord. 08-38, 3-2-09)

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 201 - May 2009
Includes Ordinances: 08-44, 08-45, 08-47, 09-01, 09-02, 09-05

REMOVE PAGES HEADED

INSERT PAGES HEADED

TITLE 3:

3-8-5 Renewals: Any licensee
(And the rest of Title 3, Ch. 8)

3-8-5 Renewals: Any licensee
(And the rest of Title 3, Ch. 8)

3-28-1 CHAPTER 28
TAX ON SALE OF GAS

3-28-1 CHAPTER 28
TAX ON SALE OF GAS

TITLE 8:

8-4-4 (B) A charge for the right...
(And the following 2 pages)

8-4-4 (B) A charge for the right...
(And the following 2 pages)

TITLE 9

9-4-51 9-4-51: TRUCK ROUTES:
(And the rest of Title 9, Ch. 4)

9-4-51 9-4-51: TRUCK ROUTES:
(And the rest of Title 9, Ch. 4)

9-6-2 Thoroughfare Side
(H) E. Birchwood St.
(And the following 2 pages)

9-6-2 Thoroughfare Side
(H) E. Birchwood St.
(And the following 2 pages)

TITLE 10

10-6-3 8. Restricted production...

10-6-3 8. Restricted production...

PREFACE

This volume of the Village Code of the Village of Morton, as supplemented, contains ordinances up to and including ordinances:

08-44, April 20, 2009
08-45, April 6, 2009
08-47, April 20, 2009
09-01, May 4, 2009
09-02, May 4, 2009
09-05, May 4, 2009

Ordinances of the Village adopted after said ordinances supersede the provisions of this Village Code to the extent that they are in conflict or inconsistent therewith. Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.

- (C) Renewals: Any licensee may renew his license prior to the expiration thereof; provided, that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purpose; and provided further, that the renewal privilege herein contained shall not be construed as a vested right which shall, in any case, prevent the Board of Trustees from decreasing the number of licenses to be issued within the Village.

Any person who shall fail to make application for renewal and pay the fee as herein provided shall be deemed to have forfeited and abandoned such license, and no renewal thereof shall thereafter be permitted. Any such license so forfeited or abandoned shall not be reissued, and any such person seeking thereafter to procure a license shall be considered as a new applicant and shall be subject to all limitations as to the number of licenses to be issued as heretofore provided.

- (D) Transfer Of License: A license shall be purely a privilege good for and not to exceed one year after issuance, unless sooner revoked as by law provided, and shall not constitute property; nor shall it be subject to attachment, garnishment, or execution; nor shall it be alienable or transferable voluntarily or involuntarily. Such license shall not descend by the law of testate or intestate devolution; but it shall cease upon the death of the licensee; provided, that executors or administrators of the estate of any deceased licensee and trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquors, may continue the business of the sale of alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than six (6) months after the death, insolvency, or bankruptcy of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this Subsection.

- (E) Change Of Location: A retail dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon a written permit to make such changes issued by the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and the applicable provisions of this Code. (Ord. 85-19, 4-21-86; amd. Ord. 04-53, 3-7-05)

3-8-6: **LIMITATION ON NUMBER:** In order that the health, safety, and welfare of the people of the Village be protected, and in order that minors shall be prevented from the purchase of alcoholic liquors, and in order that temperance in the consumption of liquors be fostered and promoted, there shall be a limit upon the number of liquor licenses issued and in effect, which is as follows:

Class A-1	Zero (0)
Class A-2	Four (4)
Class A-3	Zero (0)
Class A-4	One (1)
Class B-1	Three (3)
Class B-2	Nine (9)
Class B-3	Four (4)
Class C	One (1)
Class D	Two (2)
Class E	Zero (0)
Class F	No specific limit
Class G	Zero (0)

(Ord. 86-1, 5-5-86; amd. Ord. 86-14, 11-3-86; Ord. 87-11, 8-17-87; Ord. 88-14, 8-15-88; Ord. 89-10, 8-21-89; Ord. 95-1, 5-15-95; Ord. 97-14, 7-22-97; Ord. 97-38, 4-20-98; Ord. 98-30, 12-7-98; Ord. 98-49, 4-19-99; Ord. 99-12, 8-2-99; Ord. 99-17, 9-7-99; Ord. 99-38, 11-15-99; amd. Ord. 99-48, 2-21-00; amd. Ord. 00-02, 5-1-00; amd. Ord. 01-01, 5-7-01; amd. Ord. 02-10, 7-1-02; amd. Ord. 04-10, 6-21-04; amd. Ord. 04-21, 7-6-04; amd. Ord. 05-22, 10-17-05; amd. Ord. 05-47, 3-20-06; amd. Ord. 06-08, 6-5-06; amd. Ord. 08-10, 8-18-08; amd. Ord. 08-13, 9-15-08; amd. Ord. 08-15, 11-3-08, amd. Ord. 08-29, 12-1-08; amd. Ord. 08-47, 4-20-09)

3-8-7: **LICENSES, APPLICATION REQUIREMENTS:** All applications shall be on forms approved by the local Liquor Control Commission and shall be submitted in writing, executed under oath or affirmation by the applicant seeking a license, shall be accompanied by a bond in the penal sum of one thousand dollars (\$1000.00) with corporate surety authorized to do business in the State of Illinois, and shall set forth the following information and statements:

- (A) The applicant's name and mailing address.
- (B) The name and address of the applicant's business.
- (C) If applicable, the date of the filing of the "assumed name" of the business with the County Clerk.
- (D) In case of a co-partnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; or, in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the Illinois Business Corporation Act¹ to transact business in the State of Illinois.
- (E) The name and address of the landlord if the premises are leased.
- (F) The date of the applicant's first request for a State liquor license and whether it was granted, denied, or withdrawn.
- (G) Whether the applicant has made an application for a liquor license which has been denied; and, if so, the reasons therefor.
- (H) Whether the applicant has ever had a previous liquor license suspended or revoked; and, if so, the reasons therefor.

¹ S.H.A., Ch. 32, 1.01 et seq.

- (I) Whether the applicant has ever been convicted of a gambling offense or felony; and, if so, the particulars thereof.
- (J) Whether the applicant possesses a current Federal Wagering or Gaming Device Stamp; and, if so, the particulars thereof.
- (K) Whether the applicant or any other person directly or indirectly in his place of business is a public official; and, if so, the particulars thereof.
- (L) Whether, in the case of an application for the renewal of a license, the applicant has made any political contributions within the past two (2) years; and, if so, the particulars thereof.
- (M) The applicant's name, sex, date of birth, Social Security number, position, and percentage of ownership in the business; and the name, sex, date of birth, Social Security number, position, and percentage of ownership in the business of every sole owner, partner, corporate officer, director, manager, and any person who owns five percent (5%) or more of the shares of the applicant business entity or parent corporations of the applicant business entity.
- (N) That he has not received or borrowed money or anything else of value and that he will not receive or borrow money or anything else of value (other than merchandising credit in the ordinary course of business for a period not to exceed ninety [90] days as herein expressly permitted under section 6-5 of the Liquor Control Act of 1934), directly or indirectly, from any manufacturer, importing distributor, or distributor, or from any representative of any such manufacturer, importing distributor, or distributor; nor be a part in any way, directly or indirectly, to any violation by a manufacturer, distributor, or importing distributor of Section 6-6 of the Liquor Control Act of 1934.
- (O) The length of time the applicant has resided in the Village prior to filing the application and all addresses at which the applicant has resided in the past five (5) years; if a corporation, the length of time the manager has resided in the Village prior to filing the application and all addresses at which the manager has resided in the past five (5) years.
- (P) The character of the business of the applicant; and, in the case of a corporation, the objects for which it was formed.
- (Q) The location and description of the premises or place of business which is to be operated under the license.
- (R) A statement whether applicant is an alcoholic or has received treatment for alcoholism or any drinking problem, or has been involved in any incident involving the police, including traffic, in which he was intoxicated, detailing the dates, locations, and results of any such treatment or incident.
- (S) A statement whether the applicant has received a local license to sell alcoholic liquors at retail from any state or political subdivision thereof.
- (T) A statement that the location where the applicant proposes to sell alcoholic liquors at retail is not within one hundred feet (100') of any church, school, hospital, home for aged, indigent persons, or veterans, undertaking establishment, or mortuary.

If said application is made on behalf of a partnership, firm, association, club, or corporation, then the same shall be signed and sworn or affirmed to by at least two (2) members of such partnership or the resident and secretary of such corporation or club. The applicant shall submit with the application documentary proof of his interest in the premises, whether by lease, deed, or otherwise.

- 3-8-8: **APPLICATION, PERSONS INELIGIBLE:** No license authorized by this Chapter shall be issued to:
- (A) A person who is not a resident of any city, village, or county in which the premises covered by the license are located, except in case of railroad or boat license.
 - (B) A person who is not of good character and reputation in the community in which he resides.
 - (C) A person who is not a citizen of the United States.
 - (D) A person who has been convicted of a felony under any Federal or State law, if the Liquor Control Commission determines after investigation that such person has not been sufficiently rehabilitated to warrant the public trust.
 - (E) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
 - (F) A person who has been convicted of being the keeper or is keeping a house of ill fame.
 - (G) A person whose license issued under this Chapter or the laws of the State of Illinois has been revoked for cause.
 - (H) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon first application.
 - (I) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.
 - (J) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.
 - (K) A corporation, unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.
 - (L) A person whose place of business is conducted by a manager, unless the manager or agent possesses the same qualifications required by the licensee.
 - (M) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession, or sale of alcoholic liquor subsequent to the passage of this Chapter or has forfeited his bond to appear in court to answer charges for any such violation.
 - (N) A person who does not beneficially own the premises for which the license is sought or does not have a lease thereon for the full period for which the license is to be issued.
 - (O) Any law-enforcing public official, including members of the local Liquor Control Commission, any mayor, alderman, or member of the City Council or Commission, any president of the Village Board of Trustees, or any president or member of a county board; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission.
 - (P) A person who is not a beneficial owner of the business to be operated by the licensee.

- (Q) A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(10) of Section 28-1 or as proscribed by Section 28-3 of the "Criminal Code of 1961" approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.¹
- (R) A person to whom a Federal Gaming Device Stamp or a Federal Wagering Stamp has been issued by the Federal government for the current tax period.
- (S) A co-partnership to which a Federal Gaming Device Stamp or a Federal Wagering Stamp has been issued by the Federal government for the current tax period, or if any of the partners have been issued a Federal Gaming Device Stamp or Federal Wagering Stamp by the Federal government for the current tax period.
- (T) A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a Federal Gaming Device Stamp or a Federal Wagering Stamp for the current tax period.
- (U) Any premises for which a Federal Gaming Device Stamp or a Federal Wagering Stamp has been issued by the Federal government for the current tax period. (Ord. 86-1, 5-5-86)

3-8-9: **APPLICATION, DECISION:** Within thirty (30) days after the submission of an application to the local Liquor Control Commission, the Liquor Control Commission shall either approve or deny said application; except that, if no action has been taken within said thirty (30) day period, said application shall be deemed to have been denied and no license shall issue. (Ord. 86-1, 5-5-86)

3-8-10: **BARTENDER PERMITS:** (Rep. by Ord. 94-3, 5-2-94)

3-8-11: **LICENSE REVOCATION; SUSPENSION OR FINE:** Any violation of any provisions of this Chapter or of the Liquor Control Act of 1934², any mis-statements or withholding of material information in an application for license, or any indebtedness to the Village shall be deemed cause for refusal of a license, revocation, or suspension of a license, or the levying of a fine against the license holder.

Any license granted as provided by this Chapter may be revoked or suspended for cause by the local Liquor Control Commission upon a finding of the local Liquor Control Commission that any provision of this Chapter has been violated; or, in the alternative, the local Liquor Control Commission may impose a fine.

All fines imposed shall be subject to the provisions of 235 Illinois Compiled Statutes 5/7-5 or as may from time to time be amended.

For purposes of this Section, a license holder shall be responsible for and accountable for any actions by his employees, agents, or anyone acting on his behalf with respect to any activities on the licensed premises.

¹ S.H.A. 720 ILCS.

² S.H.A. 235 ILCS.

3-8-12: **LICENSE, APPEALS:** No such license shall be revoked or suspended, nor may a fine be imposed unless the local Liquor Control Commission shall hold a public hearing upon at least three (3) days' written notice to the licensee, at which time said licensee may appear and defend. If the local Liquor Control Commission has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the Village, it may, without notice of hearing, order the licensed premises closed for not more than seven (7) days upon the issuance of a written order stating the reason for such conclusion. The local Liquor Control Commission shall give the licensee an opportunity to be heard during said seven (7) day period.

Within five (5) days of any hearing held pursuant to this Section, the local Liquor Control Commission shall, if it determines that the license shall be suspended or revoked or that a fine be levied, state the reasons for such determination in a written order of revocation or suspension or amount of fine and shall serve a copy of such order within the five (5) days upon the licensee, said service to be personal or by certified or registered mail, return receipt requested.

3-8-13: **CARRYING OF ALCOHOLIC LIQUOR FROM PREMISES:** No person shall carry any alcoholic liquors in an unsealed or opened container from the licensed premises where such alcoholic liquor was purchased.

No licensee or person as proprietor, agent, servant, or employee of such licensee shall knowingly permit any patron to violate this Section nor sell alcoholic liquors to such person knowing that such person intends to carry the alcoholic liquor from the premises in an open or unsealed container.

The foregoing provisions shall not apply when a licensee has been issued a Class F license and further provided that the person carrying such unsealed or open container does not carry same off of the area for which the Class F license has been granted.

3-8-14: **CERTAIN ACTS PROHIBITED:** It shall be unlawful for any licensee for on-premises consumption under this Chapter to suffer or permit any person on the premises or in any area which can be viewed from the premises acts of or acts which simulate:

- (A) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
- (B) The touching, caressing, or fondling of the breasts, buttocks, anus, or genitals.
- (C) The displaying of the pubic hair, anus, vulva, or genitals.
- (D) To permit any person to remain in or upon the licensed premises who commits any of the acts described above or allows another person to commit upon his or her body any of the acts described above.

3-8-15: **CLOSING PREMISES:** If a disturbance occurs on the licensed premises during the operating hours as set forth in this Chapter, which appears to endanger the lives, property, or persons of the patrons of a licensed premises, the Chief of Police or his delegate may order the licensed establishment to close its business until the next business day and may order all the patrons to leave the licensed premises immediately.

3-8-16: **CONDITION OF PREMISES:** All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for retail sale shall be kept in a clean and sanitary condition and shall be kept in full compliance with the provisions of this Chapter and other ordinances of the Village regulating the condition of premises.

3-8-17: **CURB SERVICE, DRIVE THRU:** The premises for which a license has been issued shall not have drive-thru facilities whereby a consumer can purchase beer, wine, or other alcoholic liquor from a motor vehicle.

It is the intent and purpose of this Section to allow the purchase and/or sale of beer, wine, or other alcoholic liquor in the premises only, unless otherwise allowed by the issuance of a Class F license.

3-8-18: **DELIVERY TO MINORS:** No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver such alcoholic liquor to another person under the age of twenty one (21) years, except in the performance of a religious ceremony or service.

3-8-19: **DISPLAY OF LICENSE:** Every licensee shall cause his license issued under this Chapter to be framed and kept in plain view in a conspicuous place on the licensed premises.

3-8-20: **DISPLAY OF WARNING CARD:** Every place in the Village where alcoholic liquor is sold for beverage purpose shall display in a prominent place in plain view on the premises a printed card which shall read as follows:

WARNING TO MINORS

You are subject to a fine of up to five hundred dollars (\$500.00) under the ordinances of the Village of Morton if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

3-8-21: **ELECTION DAYS:** Liquor licensees may sell at retail alcoholic liquor on any election day in accordance with the limitations and restrictions of their respective class of license under the Morton Municipal Code.

3-8-22: **EXCEPTIONS:** The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents, parent, guardian, or guardians of such minor in the privacy of a home is not prohibited by this Chapter. (Ord. 85-19, 4 -21-86)

3-8-23: **GAMBLING:** No licensee shall permit any gambling or gambling devices in the place licensed or any place connected therewith. Failure of such licensee to prohibit gambling in his place of business shall be grounds for revocation or suspension of his license. (Ord. 85-19, 4-21-86)

3-8-24: **GENERAL REQUIREMENTS OF LICENSE HOLDER:** No licensee nor any officer, associate member, representative, agent, or employee of such licensee shall:

- (A) Sell or possess for sale any package containing alcoholic liquor unless the same shall have affixed thereto all cancelled revenue stamps which may be required by the State or Federal laws.
- (B) Sell, give, or deliver alcoholic liquor to any person under the age of twenty one (21) years or to any intoxicated person, or to any person known to him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment.
- (C) Harbor or permit any intoxicated person to linger on the premises described in the license or permit any conduct which shall tend to disturb the peace and quiet of the neighborhood of the premises.
- (D) Serve or permit any person to consume any alcoholic liquor in any portion of the premises, the interior of which is shut off from the general public by doors, curtains, screenings, partitions, or other devices of any kind, or maintain such an area as part of or adjacent to the premises.

- (E) Make sale of alcoholic liquors in excess of or contrary to the powers granted in any of the provisions of the license for the premises or in violation of the Liquor Control Act of 1934.
- (F) Employ or permit anyone under the age of twenty one (21) years to act as an entertainer, or to sell or serve alcoholic liquor, or to act as a bartender in the preparation of alcoholic liquor; except that a person of nineteen (19) years of age may serve such liquor to tables beyond the bar or place of preparation; provided, that all of the following conditions are met:
1. The primary duty of such person is the serving of food and the servicing of patrons seated at tables.
 2. The service of alcoholic beverages is incidental to the service of food to patrons.
 3. Service shall not be at a counter primarily used for serving drinks (i.e., bar) or any portion of the establishment where meals are not generally served (i.e., cocktail lounge).
- (G) Allow the sale or consumption of alcoholic liquor in any area except in the premises, unless the licensee has been issued a Class F license, and in such case only as allowed under the conditions of such Class F license. (Ord. 85-19, 4-21-86)
- (H) Violate any provisions of Title 12 Chapter 2 of the Morton Municipal Code or violate any rules or regulations promulgated by any authority pursuant to the Smoke Free Illinois Act. (Ord. 07-52, 1-7-08)

3-8-25: **LOCATION RESTRICTIONS:** No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, hospital, home for the aged, indigent persons, or veterans, undertaking establishment, or mortuary; provided that this prohibition shall not apply to restaurants, regularly organized clubs, food shops, or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to taking effect of this Chapter, nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school since the issuance of the original license. In the case of a church, a distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship services or educational programs and not to property or boundaries. (Ord. 85-19, 4-21-86)

3-8-26: **MINORS IN TAVERNS:** It shall be unlawful for any minor person under the age of seventeen (17) years, unless accompanied by his parent, legal guardian, or other responsible adult at least twenty five (25) years of age having the custody and control of said minor person, to enter upon or attempt to enter any premises licensed as a tavern, except in the exercise of the legitimate business or trade of such minor; provided, however, that this Section shall not apply to restaurants, clubs, package liquor stores, or to that portion of bowling alleys other than those used exclusively or primarily for the sale and consumption of alcoholic liquors. (Ord. 85-19, 4-21-86)

3-8-27: **MISREPRESENTATION OF AGE:** If a licensee or his agent or employee believes or has reason to believe that sale or delivery of any alcoholic liquor is prohibited because of the nonage of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification containing proof of age, issued by a public official in the performance of his official duties.

For the purpose of preventing the violation of this Section, any licensee, his agent, or employee may refuse to sell or serve alcoholic beverages to any person who, in his opinion, is unable to produce adequate positive identification of identity and of the fact that he or she is at least the age of twenty one (21). (Ord. 85-19, 4-21-86; amd. Ord. 96-27, 10-21-96)

3-8-28: **PEDDLING:** It shall be unlawful to peddle alcoholic liquor in the Village. (Ord. 85-19, 4-21-86)

3-8-29: **PUBLIC PLACES, CONSUMPTION:** No person may consume or have in his possession an open container or a container with a broken seal containing any alcoholic beverage in any park or vehicle parking area open to the public or in any restaurant or eating places not licensed to serve alcoholic beverages within the Village.

The foregoing provisions shall not apply when a licensee has been issued a Class F license; and further provided, that the aforesaid activity is only permitted pursuant to the authority and provisions of such Class F license. (Ord. 85-19, 4-21-86)

3-8-30: **REPORTING OF INCIDENTS:** Each licensee and each of his agents and employees shall immediately report to the Police Department of the Village of Morton any incident occurring in or about the licensed premises and in his knowledge or view relating to the attempt or commission of any crime, including any violation of this Chapter, and shall truthfully and fully answer all questions and investigations of any identified police officer who makes inquiry concerning any persons in or about the licensed premises and any events taking place in and about the licensed premises. (Ord. 85-19, 4-21-86)

3-8-31: **RESTRICTED AREA:** It shall be unlawful to sell or offer for sale at retail any alcoholic liquor within any residential district of the Village. (Ord. 85-19, 4-21-86)

3-8-32: **SALE OF LICENSED PREMISES:** Upon application being filed with the Local Liquor Control Commissioner, or his designee, and upon payment of an investigation fee in the sum of fifty dollars (\$50.00), the Local Liquor Control Commissioner may issue a license to the purchaser of an established licensed business as a going concern. Such application must be for exactly the same class of license as that held by the seller, and such application shall be only for the same location as the previously licensed business. Any such purchaser shall make application for the issuance of a new license to him, and in such application he shall state the actual facts in respect to his purchase of such business. He shall also fill out an application form and furnish the information and make that statement similar to that required of any other licensee under Section 3-8-7 of this Chapter. Such application shall be investigated and approved or rejected in the case of applications for original licenses; and, if approved, the license shall be issued to such purchaser upon payment to the Local Liquor Control Commissioner, or his designee, of the license fee then due, without any credit for any unused portion of the previous license; and there shall be no rebate to any person for any unused portion of any license. No license shall be issued to the purchaser of such business until the seller of such business shall have surrendered his license to the Local Liquor Control Commissioner, or his designee, for cancellation. (Ord. 85-19, 4-21-86; amd. Ord. 04-53, 3-7-05)

3-8-33: **SHOWING OF CERTAIN FILMS, PICTURES PROHIBITED:** It shall be unlawful for any licensee for on-premises consumption under this Chapter to suffer or permit the showing on the premises or in any area which can be viewed from the premises of film, still pictures, electronic reproduction, or other visual reproductions depicting:

- (A) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
- (B) Any person being touched, caressed, or fondled on the breast, buttocks, anus, or genitals.
- (C) Scenes wherein a person displays the vulva or the anus or the genitals.
- (D) Scenes wherein artificial devices or inanimate objects are employed to depict or drawings are employed to portray any of the prohibited activities described above. (Ord. 85-19, 4-21-86)

3-8-34: **PENALTY PROVISIONS:** Any person other than a license holder who violates any of the provisions of this Chapter shall, upon conviction, be punished by a fine of not less than fifty dollars (\$50.00) or more than seven hundred fifty dollars (\$750.00) except that the minimum fine for violations of certain sections of this Chapter shall be as follows:

- (A) Section 3-8-14: Two hundred dollars (\$200.00).
- (B) Section 3-8-18: Two hundred dollars (\$200.00).
- (C) Section 3-8-27: (Rep. by Ord. 96-27, 10-21-96)
- (D) Section 3-8-33: Two hundred dollars (\$200.00).

License holders are subject to the provisions of Sections 3-8-1 and 3-8-12 of this Chapter and are subject to the fines provided for therein. (Ord. 85-19,4-21-86; amd. Ord. 99-37, 12-6-99)

3-8-35: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, 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 Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included. (Ord. 85-19, 4-21-86)

CHAPTER 28
TAX ON SALE OF GAS

SECTION:

- 3-28-1: Gas Tax
3-28-2: Implementation of Franchise Fee

3-28-1: **GAS TAX:** There is hereby imposed a tax of five percent (5%) of the gross receipts on any person, firm, corporation, or legal entity engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of the Village. (Ord. 08-41, 3-16-09)

3-28-2: **IMPLEMENTATION OF FRANCHISE FEE:** All utilities operating within the Village of Morton will pay a franchise fee of five percent (5%) of gross revenues to the Morton General Fund for the privilege of using public right of ways, easements, and streets to conduct their business, unless otherwise prohibited by law. (Ord. 08-45, 4-6-09)

(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 at a water service location with the following rules:

1. The forgiveness shall be applied only once in a five (5) year period, commencing with the first forgiveness.
2. The owner of the service account (bill to individual) must request the forgiveness in writing to the Water Utility at the Morton Village Office, 120 N. Main Street, Morton, Illinois, 61550.
3. The request must be based upon an internal failure within the service locations water system, the nature of which is to be specified when requesting the forgiveness. Documentation may be required.
4. Water system failures must be repaired in a timely fashion, not to exceed ten (10) days from discovery.
5. Forgiveness will include both water and sewer charges in excess of average yearly usage, as calculated by the Village staff.
6. Bill adjustments will not exceed three (3) billing periods. (Ord. 08-20, 10-6-08)

(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)

9-4-51: **TRUCK ROUTES:**

(A) Truck Routes Designated: The movement of all trucks traveling within the Village shall be confined to the following truck routes, except as hereinafter provided:

1. South Main Street from the I-155 Interchange to Detroit Avenue.
2. West Queenwood Road from Main Street to I-155 Interchange.
3. Detroit Avenue from Main Street to Jackson Street.
4. North Main Street from Jackson Street to Courtland Street.
5. Courtland Street.
6. Morton Avenue from Jackson Street to Courtland Street.
7. Broadway Road.
8. East and West Ashland Street.
9. All State Routes.
10. West Jefferson Street from Detroit Avenue to the western corporate limits, subject to any applicable ordinances of Tazewell County. (Ord. 98-14, 7-20-98)
11. Commerce Drive from Ashland Street to Courtland Street. (Ord. 99-1, 5-17-99)

(B) Exceptions:

1. The restrictions set forth herein shall not apply to trucks normally classified as one ton maximum and under, and having not more than two (2) axles.
2. All trucks larger than those specified in Subsection (B)1 of this Section may travel off of truck routes within the Village only for the purpose of making local freight deliveries. Said trucks shall proceed to the delivery point via the shortest direct route and shall return by the same path to the closest truck route.

(C) Penalty: The minimum penalty, including court costs for any violation of this Section, is seventy five dollars (\$75.00) (Ord. 97-31, 11-17-97)

9-4-52: **TOY VEHICLES IN ROADWAY:** It shall be unlawful for any person upon skates, a coaster, a skateboard, sled, miniature automobile, or other toy vehicle to go upon any roadway other than at a crosswalk. (Ord. 80-5, 6-2-80)

9-4-53: **PUBLIC POOL CROSSING:** The driver of a vehicle approaching the marked crosswalk located on Greenwood Street at the entrance to the Morton Park District Pool, shall yield the right of way, slowing down or stopping if need be to so yield, to any pedestrian who has entered the crosswalk or is approaching the crosswalk so closely as to be in danger. (Ord. 93-14, 10-4-93)

- 9-4-54: **SPEED RESTRICTIONS:** No person shall drive any vehicle upon any public street or highway in the Village at a speed which is greater than:
- (A) That which is reasonable and proper with regard to traffic conditions and the use of the public street or highway, or that endangers the safety of any person or property. The fact that the speed of an automobile does not exceed the applicable maximum speed limit does not relieve the driver of the duty to decrease speed when approaching or crossing an intersection, when approaching or rounding a curve, when approaching a hillcrest, upon any narrow or winding roadway, or when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as necessary to avoid colliding with any person or vehicle or on entering the public street or highway in compliance with legal requirements and the duty of all persons to use due care.¹
- (B) The limits posted by the Illinois Department of Transportation on the streets and highways maintained by the Illinois Department of Transportation.
- (C) Fifteen (15) miles per hour on all alleys. (Ord. 89-18, 2-19-90)
- (D) Twenty (20) miles per hour while passing a school zone or while traveling on any thoroughfare on or across which children pass to and from school during school days and when school children are present. This Section shall not be applicable unless appropriate signs are posted on streets and highways under Village jurisdiction. Such signs shall give proper and due warning that a school zone is being approached and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present. Nothing in this Title shall prohibit the use of electronic speed detecting devices within five hundred feet (500') of signs within a special school speed zone indicating such zone, as defined in this Section, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding, providing the use of such devices shall apply only to the enforcement of the speed limit at such special speed zone.² In addition to all other streets where this subsection applies, it shall also apply to Illinois Street from Monroe to Jackson Street.
- (E) Twenty five (25) miles per hour on the following streets or highways:
1. Adams Street from South Plum Avenue to South First Avenue.
 2. Jefferson Street from South Plum Avenue to First Avenue.
 3. Main Street from Jackson Street to West Birchwood Street.
- (F) Thirty (30) miles per hour on all streets or highways within the Village limits, unless a different limit applies pursuant to this Section.
- (G) Thirty five (35) miles per hour on the following streets or highways:
1. West Birchwood Street from South Main Street to Detroit Avenue.
 2. West Courtland Street from North Morton Avenue to Veteran's Road.
 3. Detroit Avenue from West Jackson Street to a point one thousand five hundred feet (1,500') south of West Jackson Street and from West Birchwood Street to South Main Street.

¹ For Statute authority, see S.H.A. 625 ILCS 5/11-601(A).

² For Statute authority, see S.H.A. 625 ILCS 5/11-605.

4. East Jefferson Street from North Oregon Avenue to a point seven hundred fifty feet (750') east of Tennessee Avenue.
5. West Jefferson Street from Bond Street to I-74.
6. West Lakeland Road from North Morton Avenue to Ossami Lake Drive.
7. North Main Street from the TP&W Railroad tracks to North Nebraska Avenue.
8. North Main Street from the Norfolk and Western Railroad tracks to a point five hundred feet (500') south of the northern corporate limits line.
9. South Main Street from Birchwood Street to Jadewood Street.
10. North Morton Avenue from Lakeland Road to Lynnwood Court.
11. East Queenwood Road from South Main Street to South Second Avenue.
12. West Queenwood Road from South Main Street to a point one thousand feet (1,000') west of South Main Street.
13. Veteran's Road from West Jefferson Street to the northern corporate limits line. (Ord. 04-15, 6-21-04, amd. Ord. 09-01, 5-4-09)

(H) Forty (40) miles per hour on the following streets or highways:

1. East Courtland Street from North Morton Avenue to North Main Street.
2. South Fourth Avenue from East Idlewood Street to East Queenwood Road.
3. Harding Road from North Main Street to the eastern corporate limits line.
4. South Main Street from Jadewood Street to I-155.
5. North Morton Avenue from I-74 to Lakeland Road.
6. East Queenwood Road from South Second Avenue to a point one thousand three hundred and twenty feet (1,320') east of South Second Avenue.
7. Tennessee Avenue from a point one thousand three hundred feet (1,300') north of East Jackson Street to a point five hundred feet (500') south of East Jefferson Street. (amd. Ord. 09-01, 5-4-09)

(I) Forty five (45) miles per hour on the following streets or highways:

1. Detroit Avenue from West Birchwood Street to a point one thousand five hundred feet (1,500') south of West Jackson Street.
2. East Jefferson Street from seven hundred fifty feet (750') east of Tennessee Avenue to the eastern corporate limits line.
3. West Jefferson Street from I-74 to the western corporate limits line.
4. East Lakeland Road from North Morton Avenue to the eastern corporate limits line.
5. North Main Street from North Nebraska Avenue to the Norfolk and Western Railroad tracks.

6. North Main Street from a point five hundred feet (500') south of the northern corporate limits line to said line.
7. East Queenwood Road from a point one thousand three hundred and twenty feet (1,320') east of South Second Avenue to a point one thousand three hundred and twenty feet (1,320') east of South Fourth Avenue.
8. West Queenwood Road from a point one thousand feet (1,000') west of its intersection with South Main Street to a point two thousand three hundred feet (2,300') west of said intersection.
9. Tennessee Avenue from a point one thousand three hundred feet (1300') north of East Jackson Street to the northern corporate limits line and from five hundred feet (500') south of East Jefferson Street to the southern corporate limits line. (amd. Ord. 09-01, 5-4-09)

(J) Fifty (50) miles per hour on the following streets or highways:

1. South Fourth Avenue from East Queenwood Road to a point nine hundred feet (900') south of same.
2. That part of Hirstein Road between Cooper Road and Lakeland Road that lies within the Village limits. (Ord. 07-48, 12-17-07)

(K) Fifty five (55) miles per hour on the following street or highways:

1. Broadway Road.
2. South Fourth Avenue from nine hundred feet (900') south of East Queenwood Road to Broadway Road.
3. West Queenwood Road west of a point two thousand three hundred feet (2,300') west of the intersection of West Queenwood Road and South Main Street. (Ord. 89-18, 2-19-90; amd. Ord. 90-10, 8-20-90; amd. Ord. 92-16, 9-8-92; amd. Ord. 93-3, 5-17-93; amd. Ord. 96-18, 9-3-96; amd. Ord. 98-29, 12-7-98; amd. Ord. 00-58, 4-16-01; amd. Ord. 01-40, 3-18-02; amd. Ord. 02-43, 5-5-03; amd. Ord. 03-24, 10-20-03; amd. Ord. 05-45, 2-20-06)

9-4-55 **TRANSPORTATION OF CANNABIS, CONTROLLED SUBSTANCE, OR DRUG PARAPHERNALIA PROHIBITED:**

(A) No driver may knowingly transport, carry, possess, or have any cannabis (as defined in Title 6, Chapter 2, Section 3 of the Morton Municipal Code, as may be amended from time to time), controlled substances (as defined in the Illinois Controlled Substances Act, 720 ILCS 570/100 et seq., as that act may be amended from time to time), or drug paraphernalia (as defined in Title 6, Chapter 2, Section 8 of the Morton Municipal Code, as may be amended from time to time), within the passenger area of any motor vehicle upon a public street or public property in the Village of Morton.

(B) Any person violating any provision of this Section shall, upon conviction or plea of guilty, pay a fine of seventy-five dollars (\$75.00). That fine may be paid at the Clerk's office without court appearance. If a person does not pay the fine at the Clerk's office, then he or she, in addition to any fine upon a conviction or plea of guilty, shall be assessed court costs as provided by statute. (Ord. 02-09, 7-15-02)

9-4-56 **NEIGHBORHOOD ELECTRIC VEHICLES:** Neighborhood electric vehicles may be operated on a street where the posted speed limit is thirty miles per hour (30 mph), or less, and on Detroit Avenue from West Jackson Street to a point fifteen hundred feet (1500') south of West Jackson Street and on East Jefferson Street from Oregon Avenue to a point five hundred feet (500') east of Rhode Island Avenue.

A neighborhood electric vehicle shall be as defined by 625 ILCS 5/11-1426.1. sub-section (a) as now in effect or as amended from time to time. (Ord. 05-25, 10-17-05; amd. Ord. 06-34, 12-4-06)

9-4-57 **PROHIBITION OF VEHICLES ON SIDEWALKS:** It shall be unlawful for any person to operate a gas-powered vehicle on any sidewalk. Vehicle shall be defined by 625 ILCS 5/1-217, as now in effect or as may be amended from time to time. Battery-powered vehicles are expressly exempted from this Ordinance. (Ord. 06-30, 11-6-06)

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(H)	E. Birchwood St.	North side	From S. Main to S. First.
(I)	W. Birchwood St.	Both sides	
(J)	W. Bond St.	Both sides Both sides South side	From W. Jackson to 80' east of W. Jackson. From N. Morton Ave. to 150' west of N. Morton Ave. From McArthur to 148' west of McArthur.
(K)	Bradley St.	North side South side	From N. Main to W. Jefferson, except from 80' to 125' west of Main St. From N. Main to 150' west of N. Main.
(L)	Clark St.	Both sides	From N. Morton Ave. to 265' west of N. Morton Ave. (amd. Ord. 99-30, 10-18-99)
(M)	Commerce Dr.	Both sides	
(N)	E. Courtland St.	Both sides	
(O)	W. Courtland St.	Both sides	(amd. Ord. 07-44, 11-19-07)
(P)	Detroit Ave.	East side North side West side	From W. Jackson to 400' south of W. Birchwood. From S. Main to 130' west of S. Main. From W. Jackson to S. Main.
(Q)	Detroit Pkwy.	Both sides	
(R)	W. Edgewood Ct.	North side	From Detroit to 125' west of Detroit, and from 290' west of Detroit to 370' west of Detroit.
(S)	Erie Ave.	Both sides	From W. Birchwood to north end.
(T)	Erie Ct.	Both sides	
(U)	E. Fernwood St.	Both sides	From 250' south of Brentwood Rd. to 500' southwest of Brentwood Rd.
(V)	N. First Ave.	West side	From E. Jefferson to E. Madison.
(W)	S. First Ave.	Both sides East side West side West side West side	From E. Washington to 115' south of E. Washington. From E. Adams to 45' south of E. Adams. From E. Adams to 48' north of E. Adams. From E. Washington to 100' north of E. Washington. From 80' south of E. Birchwood to 300' north of E. Wick.
(X)	E. Forestwood St.	North side South side	From S. Fourth to 80' east of S. Fourth. From S. Fourth to 50' east of S. Fourth.
(Y)	N. Fourth Ave.	West side	From E. Jefferson to E. Monroe.
(Z)	S. Fourth Ave.	Both sides Both sides East side East side	From E. Hazelwood to 500' south of E. Queenwood Rd. From E. Jefferson to E. Washington. From E. Washington to E. Birchwood. From E. Greenwood to 150' south of E. Greenwood, between 8:00 A.M. and 4:00 P.M. on school days.

<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(AA) E. Greenwood St.	North side	From 90' east of S. First to 310' east of S. First.
	North side	From 270' west of Lee to 525' west of Lee, between 8:00 A.M. and 4:00 P.M. on school days.
	South side	From S. Fourth to 170' east of S. Fourth, between 8:00 A.M. and 4:00 P.M. on school days.
	South side	From 730' east of S. Fourth to 1065' east of S. Fourth, from Memorial Day to Labor Day, between the hours of 1:00 P.M. and 7:00 P.M.
(BB) Highland St.	Both sides	
(CC) N. Illinois Ave.	Both sides	From E. Jackson to Harrison, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the Morton Police Department (MPD) to residents whose homes front on the prohibited area and their guests.
	East side	From Rassi to 180' north of E. Monroe, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
	East side	From 180' north of E. Monroe to 325' north of E. Monroe.
	East side	From E. Jackson to 125' south of E. Jackson.
	East side	From 125' south of E. Jackson to 325' north of E. Monroe, between 7:30 A.M. and 4:00 P.M. on school days, except for: (1) Vehicles displaying a valid handicapped parking permit or handicapped license plate. (2) Vehicles displaying a parking permit issued by Morton High School. (3) Vehicles parked in a designated visitor's parking space (a visitor is a person who has been properly registered and designated as such by the Morton High School Office).
	West side	From Rassi to E. Jackson, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(DD) S. Illinois Ave.	Both sides	From 160' north of Sunset Rd. to Brentwood Rd.
(EE) N. Indiana Ave.	Both sides	From Rassi to Kay, between 8:00 A.M. and 4:00 P.M. on school days, except 45' south of Kay on the east side of N. Indiana, where no parking is permitted at any time, and except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
	Both sides	From E. Jackson to Harrison, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(FF) E. Jackson St.	Both sides	From N. Main to N. Kansas.
	Both sides	From N. Montana to the eastern corporate limits line.
	North side	From N. Missouri to 70' west of N. Missouri.
	South side	From N. Missouri to 110' west of N. Missouri. (amd. Ord. 07-24, 8-6-07)
(GG) W. Jackson St.	Both sides	

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(HH)	E. Jefferson St.	Both sides Both sides Both sides North side North side South side South side	From S. Seventh to Illinois. From 110' west of Nebraska to 300' east of Nebraska, between 8:00 A.M. and 4:00 P.M. on school days. From 200' west of N. Oregon to the eastern corporate limits line. From Main to 200' east of Main. From N. Third to 75' east of N. Third, between 8:00 A.M. and 4:00 P.M. on school days. From Main to 80' east of Main. From S. Third to 228' west of S. Third.
(II)	W. Jefferson St.	Both sides Both sides North side North side South side South side South side South side	From McArthur to the western corporate limits line. From N. Morton Ave. to Pershing. From Bradley to Pershing. From Main to 75' west of Main. From Pershing to 50' east of Pershing. From S. Plum to 85' west of S. Plum. From Main to 290' west of Main. From McArthur to 110' east of McArthur.
(JJ)	N. Kansas Ave.	Both sides Both sides	From E. Jackson to Harrison, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests. From E. Monroe to 200' south of E. Monroe, between 8:00 A.M. and 4:00 P.M. on school days except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(KK)	Kay St.	North side South side South side	From N. Indiana to 70' east of N. Indiana. From N. Indiana to 55' east of N. Indiana. From 55' east of N. Indiana to N. Missouri, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(LL)	E. Madison St.	Both sides	From N. Main to N. First.
(MM)	W. Madison St.	South side	From N. Main to Bradley.
(NN)	N. Main St.	Both sides East side East side West side West side	From 160' south of N. Third to the northern corporate limits line. From 130' south of Jackson to 250' north of Jackson. From Jefferson to 135' north of Jefferson. From 185' south of Jackson to 160' south of N. Third. From Jefferson to 150' north of Jefferson.
(OO)	S. Main St.	East side East side East side West side West side West side	From 300' north of Birchwood to E. Crestwood. From 270' south of Fernwood to the southern corporate limits line. From Jefferson to 170' south of Jefferson. From 280' north of Birchwood to 130' south of Crestwood. From Fernwood to the southern corporate limits line. From Jefferson to 65' south of Jefferson.
(PP)	S. Maple Ave.	West side	From W. Jefferson to W. David.

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(QQ)	N. McArthur Ave.	Both sides	From W. Jackson to Alexander.
(RR)	S. McArthur Ave.	East side	From W. Jefferson to W. David.
(SS)	E. Monroe St.	Both sides	From N. Illinois to N. Louisiana, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
		North side	From N. Main to N. Illinois.
		South side	From N. Fourth to N. Illinois, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(TT)	N. Morton Ave.	Both sides Both sides	From Mosiman Ave. to Hyde Park Dr. From Timberline Dr. to Forestview Rd., between 8:00 A.M. and 4:00 P.M. on school days.
(UU)	N. Nebraska Ave.	Both sides	From N. Main to 100' east of N. Main.
(VV)	S. Nebraska Ave.	Both sides	South of E. Idlewood.
(WW)	Penn St.	Both sides	From S. First to Clifton.
(XX)	S. Pershing Ave.	Both sides	From W. Jefferson to end of street.
(YY)	W. Pershing St.	North side South side South side	From N. Main to W. Jefferson. From N. Main to 40' west of N. Main. From W. Jefferson to 250' east of W. Jefferson.
(ZZ)	S. Plum Ave.	Both sides East side	From W. Adams to W. Washington. From W. Jefferson to W. Adams.
(AAA)	E. Queenwood Rd.	Both sides	
(BBB)	W. Queenwood Rd.	Both sides	
(CCC)	Rassi St.	North side	From N. Illinois to N. Indiana, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(DDD)	St. Paul St.	Both sides	
(EEE)	N. Second Ave.	East Side West side	From E. Jackson to Harrison, between 8:00 A.M. and 4:00 P.M. on school days. From E. Madison to E. Jackson.
(FFF)	Tennessee Ave.	Both sides	

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(GGG)	N. Third Ave.	Both sides Both sides	From N. Main to E. Polk. From Behrends Ct. to E. Jackson, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests, or for vehicles in a funeral procession. (amd. Ord. 07-24, 8-6-07)
		East side West side	From E. Jackson to 120' north of E. Jackson. From E. Jackson to Harrison.
(HHH)	Veteran's Rd.	Both sides	From W. Jefferson to the northern corporate limits line.
(III)	Walton Ave.	Both sides	
(JJJ)	E. Washington St.	Both sides North side	From S. Main to S. First. From S. First to S. Fourth.
(KKK)	W. Washington St.	North side	From S. Main to S. Plum.
(LLL)	Yordy Rd.	Both sides South side	From S. Main to 175' east of S. Main. From 60' east of Tuscany Ct. to 245' east of Tuscany Ct. (amd. Ord. 07-49, 12-17-07)

(Ord. 98-18, 9-8-98; amd. Ord. 98-28, 12-21-98; amd. Ord. 99-2, 5-17-99; amd. Ord. 99-16, 9-7-99; amd. Ord. 99-23, 9-20-99; amd. Ord. 99-47, 3-6-00; amd. Ord. 00-13, 7-6-00; amd. Ord. 00-24, 8-21-00; amd. Ord. 02-37, 4-7-03; amd. Ord. 03-03, 7-7-03; amd. Ord. 03-12, 8-18-03; 03-15, 8-18-03; amd. Ord. 03-41, 7-19-04; amd. Ord. 04-17, 7-6-04); amd. Ord. 4-22, 7-19-04; amd. Ord. 04-25, 8-2-04; amd. Ord. 04-38, 11-15-04; amd. Ord. 05-09, 7-18-05; amd. Ord. 05-16, 9-6-05; amd. Ord. 09-02, 5-4-09)

9-6-3: **LIMITED PARKING AREAS; TIMES DESIGNATED:**

(A) Two Hour Limit: It shall be unlawful to permit any vehicle to stand between eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. on any day, except Sunday, unless different times apply pursuant to this Section, for more than two (2) hours at any time on the following streets:

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
1.	Adams St.	Both sides South side	From S. Plum to S. First. From Pershing to 480' east of Pershing. From Plum to 80' west of Plum.
2.	Alexander St.	North side	From 250' west of N. Morton Ave. to McArthur, between 6:00 A.M. and 6:00 P.M., Monday through Friday.
3.	Bond St.	Both sides	From 150' west of N. Morton Ave. to McArthur, between 6:00 A.M. and 6:00 P.M., Monday through Friday.
4.	Clark St.	Both sides	From 50' west at N. Morton Ave. to McArthur, between 6:00 A.M. and 6:00 P.M., Monday through Friday.
5.	Jefferson St.	Both sides	From S. Plum to S. First.

- 6. Main St. Both sides From Madison to W. Washington, except where no parking is allowed or where parking is limited to 15 minutes.
- 7. McArthur Ave. Both sides From Alexander to Clark.

(B) Fifteen-Minute Limit: It shall be unlawful to permit any vehicle to stand between eight o'clock (8:00) A.M. and five o'clock (5:00) P.M. on any day, Monday through Friday, unless different times apply pursuant to this Section, for more than fifteen (15) minutes on the following streets:

<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
1. E. Adams St.	North side	From S. First to 360' west of S. Third between 8:00 A.M. and 4:00 P.M. on school days.
2. Bradley St.	North side	From 80' west of Main St. to 125' west of Main St. at any time.
3. E. Jefferson St.	South side	From 228' west of S. Third to 300' west of S. Third between 8:00 A.M. and 4:00 P.M. on school days.
4. N. Main St.	East side	From 135' north of Jefferson to 40' south of Madison.
5. S. Nebraska Ave.	East side	From E. Jefferson to E. Crestwood between 8:00 A.M. to 4:00 P.M. on school days.
6. S. Plum Ave.	West side	From W. Adams to 100' north of W. Adams at any time.
7. S. Third Ave.	West side	From E. Jefferson to E. Adams between 8:00 A.M. and 4:00 P.M. on school days.

(Ord. 89-21, 4-2-90; Ord. 90-17, 9-4-90; amd. Ord. 92-20, 10-5-92; Ord. 93-28, 3-7-94; amd. Ord. 03-03, 7-7-03; amd. Ord. 04-18, 7-6-04)

9-6-5: **PARKING AT CURB:** No vehicle shall be parked with the left side of such vehicle at the curb, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two (2) right wheels of the vehicle within twelve inches (12") of the regularly established curb line. (1944 Code, Sec. 362)

9-6-6: **PARKING VEHICLES FOR SALE:** It shall be unlawful to park any vehicle upon any Street for the purpose of displaying it for sale, or to park any vehicle upon any street from which vehicle merchandise is peddled or sold. (1944 Code, Sec. 363)

9-6-7: **REPAIRING OR RACING MOTOR:** No person shall adjust or repair any motor vehicle or race the motor of same while standing on the street or alley excepting in case of a breakdown, or other emergency requiring same. (1944 Code, Sec. 364)

9-6-8: **RIGHT OF WAY:** The driver of a parked vehicle about to start shall give moving vehicles the right of way and the driver of the parked vehicle shall give a timely and visible warning in some unmistakable manner before starting. (1944 Code, Sec. 365)

8. Restricted production and repair, limited to the following: art, needlework, clothing, custom manufacturing, and alterations for retail only, jewelry from precious metals, watches, dentures, and optical lenses.
9. Service, cleaning, or repair shops for personal, household, or garden equipment.
10. Veterinarian or animal hospital without outdoor kennels or runways.
11. Food processing and retail sales.
12. Retail sale of automobile supplies and auto parts. (amd. Ord. 01-28, 11-5-01)
13. Restaurants, taverns, and similar establishments serving alcoholic liquors with an outdoor eating, drinking, or seating area. (amd. Ord. 08-44, 4-20-09)

(C) Required Yard Area: Every building hereafter erected or structurally enlarged shall provide the following yard requirements, except for lots of record which shall meet reduced requirements of Section 10-4-4, and except for those general exceptions to yard requirements as outlined in Section 10-4-3:

1. Front Yard: The front yard shall equal the building height but in no case less than twenty five feet (25'), except for new B-2 business development located within the defined area for which reduced landscaped yards are required in Section 10-4-3. New business uses within this area need to provide a front yard of only ten feet (10').
2. Side Yard: The side yard shall be a minimum of ten feet (10') for buildings of two and one-half (2 1/2) stories or less, unless an existing adjoining property provides no side yard, in which case the property need provide no side yard. Ten foot (10') side yard is minimum required side yard for buildings of two and one-half (2 1/2) stories or less where buildings are separated. For unattached building of more than two and one-half (2 1/2) stories, the side yard shall be increased five feet (5') for each story or portion of story above two and one-half (2 1/2) stories.
3. Rear Yard: The rear yard shall be not less than eight feet (8').
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
 - (a) Ornamental fences not exceeding six feet (6') in height are permitted within the front yard. Enclosure fences are not permitted in front yards.
 - (b) Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)

(D) Building Height: No building shall be erected or enlarged to exceed a height of two and one-half (2 1/2) stories or thirty five feet (35'), except for those general exceptions to height limitations listed in Section 10-4-3. Buildings of up to five (5) stories or seventy feet (70') in height may be permitted as a special use subject to the public hearing and other special permit requirements as outlined in Chapter 10 of this Title.

(E) Required Off-Street Parking And Loading: Required off-street parking and loading shall be provided as outlined in Chapter 8 of this Title. (Ord. 78-31, 3-5-79)

(F) Required Construction Area And Composition: A building which is erected or enlarged shall conform to the following:

1. It shall rest upon footing or foundation. This shall not be construed to prohibit pole buildings or post frame buildings if set in concrete.
2. It shall have sanitary facilities which comply with all other requirements of the Morton Municipal Code. This provision shall not apply to those buildings used exclusively for storage or warehousing.

(G) Interstate Corridor: In the event the property is located within an interstate corridor, then the required lot size, required yard area, and driveways and parking areas, shall be as set forth in Title 10, Chapter 4, Subsections 7(B) and (C). The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)

10-6-4: **B-3 HIGHWAY AND SERVICE COMMERCIAL DISTRICT:**

(A) Permitted Uses:

1. All uses permitted as a "permitted use" in the B-1 Professional Office District and in the B-2 General Business District.
2. All other retail stores, shops, and service establishments not permitted in the B-1 or B-2 Districts, including those uses specifically mentioned below and providing within enclosed buildings except as noted below, not however, to include uses involving any manufacturing or processing except as expressly permitted below.
3. Automobile supplies and auto parts.
4. Auto washing establishments.
5. Boat sales.
6. Bowling alleys.
7. Branch banks.
8. Catering establishments.
9. Clubs, lodges, fraternal and business organization meeting halls, and recreational facilities.
10. Drive-in food, refreshment, and other business establishments servicing customers in parked cars.
11. Dry cleaning and laundry establishments.
12. Earth moving and material handling indoor equipment displays and sales rooms.
13. Exterminating shops.
14. Farm supplies (not to include outdoor storage of farm equipment).
15. Feed stores.
16. Reserved for future use. (Ord. 99-35, 11-15-99)
17. Garages for repair and servicing of automobiles and trucks (but not to include outdoor storage other than vehicles awaiting repair or pick-up).
18. Machinery sales (not to include outdoor storage of machinery).

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 202 - June 2009
Includes Ordinances: 09-06, 09-09

REMOVE PAGES HEADED

INSERT PAGES HEADED

TITLE 3:

3-8-5 (C) Renewals: Any licensee
(And the rest of Title 3, Ch. 8)

3-8-5 (C) Renewals: Any licensee
(And the rest of Title 3, Ch. 8)

PREFACE

This volume of the Village Code of the Village of Morton, as supplemented, contains ordinances up to and including ordinances:

09-06, May 18, 2009

09-09, June 1, 2009

Ordinances of the Village adopted after said ordinances supersede the provisions of this Village Code to the extent that they are in conflict or inconsistent therewith. Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.

- (C) Renewals: Any licensee may renew his license prior to the expiration thereof; provided, that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purpose; and provided further, that the renewal privilege herein contained shall not be construed as a vested right which shall, in any case, prevent the Board of Trustees from decreasing the number of licenses to be issued within the Village.

Any person who shall fail to make application for renewal and pay the fee as herein provided shall be deemed to have forfeited and abandoned such license, and no renewal thereof shall thereafter be permitted. Any such license so forfeited or abandoned shall not be reissued, and any such person seeking thereafter to procure a license shall be considered as a new applicant and shall be subject to all limitations as to the number of licenses to be issued as heretofore provided.

- (D) Transfer Of License: A license shall be purely a privilege good for and not to exceed one year after issuance, unless sooner revoked as by law provided, and shall not constitute property; nor shall it be subject to attachment, garnishment, or execution; nor shall it be alienable or transferable voluntarily or involuntarily. Such license shall not descend by the law of testate or intestate devolution; but it shall cease upon the death of the licensee; provided, that executors or administrators of the estate of any deceased licensee and trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquors, may continue the business of the sale of alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than six (6) months after the death, insolvency, or bankruptcy of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this Subsection.

- (E) Change Of Location: A retail dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon a written permit to make such changes issued by the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and the applicable provisions of this Code. (Ord. 85-19, 4-21-86; amd. Ord. 04-53, 3-7-05)

3-8-6: **LIMITATION ON NUMBER:** In order that the health, safety, and welfare of the people of the Village be protected, and in order that minors shall be prevented from the purchase of alcoholic liquors, and in order that temperance in the consumption of liquors be fostered and promoted, there shall be a limit upon the number of liquor licenses issued and in effect, which is as follows:

Class A-1	Zero (0)
Class A-2	Four (4)
Class A-3	Zero (0)
Class A-4	One (1)
Class B-1	Three (3)
Class B-2	Nine (9)
Class B-3	Four (4)
Class C	One (1)
Class D	Two (2)
Class E	One (1)
Class F	No specific limit
Class G	One (1)

(Ord. 86-1, 5-5-86; amd. Ord. 86-14, 11-3-86; Ord. 87-11, 8-17-87; Ord. 88-14, 8-15-88; Ord. 89-10, 8-21-89; Ord. 95-1, 5-15-95; Ord. 97-14, 7-22-97; Ord. 97-38, 4-20-98; Ord. 98-30, 12-7-98; Ord. 98-49, 4-19-99; Ord. 99-12, 8-2-99; Ord. 99-17, 9-7-99; Ord. 99-38, 11-15-99; amd. Ord. 99-48, 2-21-00; amd. Ord. 00-02, 5-1-00; amd. Ord. 01-01, 5-7-01; amd. Ord. 02-10, 7-1-02; amd. Ord. 04-10, 6-21-04; amd. Ord. 04-21, 7-6-04; amd. Ord. 05-22, 10-17-05; amd. Ord. 05-47, 3-20-06; amd. Ord. 06-08, 6-5-06; amd. Ord. 08-10, 8-18-08; amd. Ord. 08-13, 9-15-08; amd. Ord. 08-15, 11-3-08, amd. Ord. 08-29, 12-1-08; amd. Ord. 08-47, 4-20-09; amd. Ord. 09-06, 5-18-09; amd. Ord. 09-09, 6-1-09)

3-8-7: **LICENSES, APPLICATION REQUIREMENTS:** All applications shall be on forms approved by the local Liquor Control Commission and shall be submitted in writing, executed under oath or affirmation by the applicant seeking a license, shall be accompanied by a bond in the penal sum of one thousand dollars (\$1000.00) with corporate surety authorized to do business in the State of Illinois, and shall set forth the following information and statements:

- (A) The applicant's name and mailing address.
- (B) The name and address of the applicant's business.
- (C) If applicable, the date of the filing of the "assumed name" of the business with the County Clerk.
- (D) In case of a co-partnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; or, in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the Illinois Business Corporation Act¹ to transact business in the State of Illinois.
- (E) The name and address of the landlord if the premises are leased.
- (F) The date of the applicant's first request for a State liquor license and whether it was granted, denied, or withdrawn.
- (G) Whether the applicant has made an application for a liquor license which has been denied; and, if so, the reasons therefor.
- (H) Whether the applicant has ever had a previous liquor license suspended or revoked; and, if so, the reasons therefor.

¹ S.H.A., Ch. 32, 1.01 et seq.

- (I) Whether the applicant has ever been convicted of a gambling offense or felony; and, if so, the particulars thereof.
- (J) Whether the applicant possesses a current Federal Wagering or Gaming Device Stamp; and, if so, the particulars thereof.
- (K) Whether the applicant or any other person directly or indirectly in his place of business is a public official; and, if so, the particulars thereof.
- (L) Whether, in the case of an application for the renewal of a license, the applicant has made any political contributions within the past two (2) years; and, if so, the particulars thereof.
- (M) The applicant's name, sex, date of birth, Social Security number, position, and percentage of ownership in the business; and the name, sex, date of birth, Social Security number, position, and percentage of ownership in the business of every sole owner, partner, corporate officer, director, manager, and any person who owns five percent (5%) or more of the shares of the applicant business entity or parent corporations of the applicant business entity.
- (N) That he has not received or borrowed money or anything else of value and that he will not receive or borrow money or anything else of value (other than merchandising credit in the ordinary course of business for a period not to exceed ninety [90] days as herein expressly permitted under section 6-5 of the Liquor Control Act of 1934), directly or indirectly, from any manufacturer, importing distributor, or distributor, or from any representative of any such manufacturer, importing distributor, or distributor; nor be a part in any way, directly or indirectly, to any violation by a manufacturer, distributor, or importing distributor of Section 6-6 of the Liquor Control Act of 1934.
- (O) The length of time the applicant has resided in the Village prior to filing the application and all addresses at which the applicant has resided in the past five (5) years; if a corporation, the length of time the manager has resided in the Village prior to filing the application and all addresses at which the manager has resided in the past five (5) years.
- (P) The character of the business of the applicant; and, in the case of a corporation, the objects for which it was formed.
- (Q) The location and description of the premises or place of business which is to be operated under the license.
- (R) A statement whether applicant is an alcoholic or has received treatment for alcoholism or any drinking problem, or has been involved in any incident involving the police, including traffic, in which he was intoxicated, detailing the dates, locations, and results of any such treatment or incident.
- (S) A statement whether the applicant has received a local license to sell alcoholic liquors at retail from any state or political subdivision thereof.
- (T) A statement that the location where the applicant proposes to sell alcoholic liquors at retail is not within one hundred feet (100') of any church, school, hospital, home for aged, indigent persons, or veterans, undertaking establishment, or mortuary.

If said application is made on behalf of a partnership, firm, association, club, or corporation, then the same shall be signed and sworn or affirmed to by at least two (2) members of such partnership or the resident and secretary of such corporation or club. The applicant shall submit with the application documentary proof of his interest in the premises, whether by lease, deed, or otherwise.

- 3-8-8: **APPLICATION, PERSONS INELIGIBLE:** No license authorized by this Chapter shall be issued to:
- (A) A person who is not a resident of any city, village, or county in which the premises covered by the license are located, except in case of railroad or boat license.
 - (B) A person who is not of good character and reputation in the community in which he resides.
 - (C) A person who is not a citizen of the United States.
 - (D) A person who has been convicted of a felony under any Federal or State law, if the Liquor Control Commission determines after investigation that such person has not been sufficiently rehabilitated to warrant the public trust.
 - (E) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
 - (F) A person who has been convicted of being the keeper or is keeping a house of ill fame.
 - (G) A person whose license issued under this Chapter or the laws of the State of Illinois has been revoked for cause.
 - (H) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon first application.
 - (I) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.
 - (J) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.
 - (K) A corporation, unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.
 - (L) A person whose place of business is conducted by a manager, unless the manager or agent possesses the same qualifications required by the licensee.
 - (M) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession, or sale of alcoholic liquor subsequent to the passage of this Chapter or has forfeited his bond to appear in court to answer charges for any such violation.
 - (N) A person who does not beneficially own the premises for which the license is sought or does not have a lease thereon for the full period for which the license is to be issued.
 - (O) Any law-enforcing public official, including members of the local Liquor Control Commission, any mayor, alderman, or member of the City Council or Commission, any president of the Village Board of Trustees, or any president or member of a county board; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission.
 - (P) A person who is not a beneficial owner of the business to be operated by the licensee.

- (Q) A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(10) of Section 28-1 or as proscribed by Section 28-3 of the "Criminal Code of 1961" approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.¹
- (R) A person to whom a Federal Gaming Device Stamp or a Federal Wagering Stamp has been issued by the Federal government for the current tax period.
- (S) A co-partnership to which a Federal Gaming Device Stamp or a Federal Wagering Stamp has been issued by the Federal government for the current tax period, or if any of the partners have been issued a Federal Gaming Device Stamp or Federal Wagering Stamp by the Federal government for the current tax period.
- (T) A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a Federal Gaming Device Stamp or a Federal Wagering Stamp for the current tax period.
- (U) Any premises for which a Federal Gaming Device Stamp or a Federal Wagering Stamp has been issued by the Federal government for the current tax period. (Ord. 86-1, 5-5-86)

3-8-9: **APPLICATION, DECISION:** Within thirty (30) days after the submission of an application to the local Liquor Control Commission, the Liquor Control Commission shall either approve or deny said application; except that, if no action has been taken within said thirty (30) day period, said application shall be deemed to have been denied and no license shall issue. (Ord. 86-1, 5-5-86)

3-8-10: **BARTENDER PERMITS:** (Rep. by Ord. 94-3, 5-2-94)

3-8-11: **LICENSE REVOCATION; SUSPENSION OR FINE:** Any violation of any provisions of this Chapter or of the Liquor Control Act of 1934², any mis-statements or withholding of material information in an application for license, or any indebtedness to the Village shall be deemed cause for refusal of a license, revocation, or suspension of a license, or the levying of a fine against the license holder.

Any license granted as provided by this Chapter may be revoked or suspended for cause by the local Liquor Control Commission upon a finding of the local Liquor Control Commission that any provision of this Chapter has been violated; or, in the alternative, the local Liquor Control Commission may impose a fine.

All fines imposed shall be subject to the provisions of 235 Illinois Compiled Statutes 5/7-5 or as may from time to time be amended.

For purposes of this Section, a license holder shall be responsible for and accountable for any actions by his employees, agents, or anyone acting on his behalf with respect to any activities on the licensed premises.

¹ S.H.A. 720 ILCS.

² S.H.A. 235 ILCS.

3-8-12: LICENSE, APPEALS: No such license shall be revoked or suspended, nor may a fine be imposed unless the local Liquor Control Commission shall hold a public hearing upon at least three (3) days' written notice to the licensee, at which time said licensee may appear and defend. If the local Liquor Control Commission has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the Village, it may, without notice of hearing, order the licensed premises closed for not more than seven (7) days upon the issuance of a written order stating the reason for such conclusion. The local Liquor Control Commission shall give the licensee an opportunity to be heard during said seven (7) day period.

Within five (5) days of any hearing held pursuant to this Section, the local Liquor Control Commission shall, if it determines that the license shall be suspended or revoked or that a fine be levied, state the reasons for such determination in a written order of revocation or suspension or amount of fine and shall serve a copy of such order within the five (5) days upon the licensee, said service to be personal or by certified or registered mail, return receipt requested.

3-8-13: CARRYING OF ALCOHOLIC LIQUOR FROM PREMISES: No person shall carry any alcoholic liquors in an unsealed or opened container from the licensed premises where such alcoholic liquor was purchased.

No licensee or person as proprietor, agent, servant, or employee of such licensee shall knowingly permit any patron to violate this Section nor sell alcoholic liquors to such person knowing that such person intends to carry the alcoholic liquor from the premises in an open or unsealed container.

The foregoing provisions shall not apply when a licensee has been issued a Class F license and further provided that the person carrying such unsealed or open container does not carry same off of the area for which the Class F license has been granted.

3-8-14: CERTAIN ACTS PROHIBITED: It shall be unlawful for any licensee for on-premises consumption under this Chapter to suffer or permit any person on the premises or in any area which can be viewed from the premises acts of or acts which simulate:

- (A) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
- (B) The touching, caressing, or fondling of the breasts, buttocks, anus, or genitals.
- (C) The displaying of the pubic hair, anus, vulva, or genitals.
- (D) To permit any person to remain in or upon the licensed premises who commits any of the acts described above or allows another person to commit upon his or her body any of the acts described above.

3-8-15: CLOSING PREMISES: If a disturbance occurs on the licensed premises during the operating hours as set forth in this Chapter, which appears to endanger the lives, property, or persons of the patrons of a licensed premises, the Chief of Police or his delegate may order the licensed establishment to close its business until the next business day and may order all the patrons to leave the licensed premises immediately.

3-8-16: CONDITION OF PREMISES: All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for retail sale shall be kept in a clean and sanitary condition and shall be kept in full compliance with the provisions of this Chapter and other ordinances of the Village regulating the condition of premises.

3-8-17: **CURB SERVICE, DRIVE THRU:** The premises for which a license has been issued shall not have drive-thru facilities whereby a consumer can purchase beer, wine, or other alcoholic liquor from a motor vehicle.

It is the intent and purpose of this Section to allow the purchase and/or sale of beer, wine, or other alcoholic liquor in the premises only, unless otherwise allowed by the issuance of a Class F license.

3-8-18: **DELIVERY TO MINORS:** No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver such alcoholic liquor to another person under the age of twenty one (21) years, except in the performance of a religious ceremony or service.

3-8-19: **DISPLAY OF LICENSE:** Every licensee shall cause his license issued under this Chapter to be framed and kept in plain view in a conspicuous place on the licensed premises.

3-8-20: **DISPLAY OF WARNING CARD:** Every place in the Village where alcoholic liquor is sold for beverage purpose shall display in a prominent place in plain view on the premises a printed card which shall read as follows:

WARNING TO MINORS

You are subject to a fine of up to five hundred dollars (\$500.00) under the ordinances of the Village of Morton if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

3-8-21: **ELECTION DAYS:** Liquor licensees may sell at retail alcoholic liquor on any election day in accordance with the limitations and restrictions of their respective class of license under the Morton Municipal Code.

3-8-22: **EXCEPTIONS:** The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents, parent, guardian, or guardians of such minor in the privacy of a home is not prohibited by this Chapter. (Ord. 85-19, 4 -21-86)

3-8-23: **GAMBLING:** No licensee shall permit any gambling or gambling devices in the place licensed or any place connected therewith. Failure of such licensee to prohibit gambling in his place of business shall be grounds for revocation or suspension of his license. (Ord. 85-19, 4-21-86)

3-8-24: **GENERAL REQUIREMENTS OF LICENSE HOLDER:** No licensee nor any officer, associate member, representative, agent, or employee of such licensee shall:

- (A) Sell or possess for sale any package containing alcoholic liquor unless the same shall have affixed thereto all cancelled revenue stamps which may be required by the State or Federal laws.
- (B) Sell, give, or deliver alcoholic liquor to any person under the age of twenty one (21) years or to any intoxicated person, or to any person known to him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment.
- (C) Harbor or permit any intoxicated person to linger on the premises described in the license or permit any conduct which shall tend to disturb the peace and quiet of the neighborhood of the premises.
- (D) Serve or permit any person to consume any alcoholic liquor in any portion of the premises, the interior of which is shut off from the general public by doors, curtains, screenings, partitions, or other devices of any kind, or maintain such an area as part of or adjacent to the premises.

- (E) Make sale of alcoholic liquors in excess of or contrary to the powers granted in any of the provisions of the license for the premises or in violation of the Liquor Control Act of 1934.
- (F) Employ or permit anyone under the age of twenty one (21) years to act as an entertainer, or to sell or serve alcoholic liquor, or to act as a bartender in the preparation of alcoholic liquor; except that a person of nineteen (19) years of age may serve such liquor to tables beyond the bar or place of preparation; provided, that all of the following conditions are met:
1. The primary duty of such person is the serving of food and the servicing of patrons seated at tables.
 2. The service of alcoholic beverages is incidental to the service of food to patrons.
 3. Service shall not be at a counter primarily used for serving drinks (i.e., bar) or any portion of the establishment where meals are not generally served (i.e., cocktail lounge).
- (G) Allow the sale or consumption of alcoholic liquor in any area except in the premises, unless the licensee has been issued a Class F license, and in such case only as allowed under the conditions of such Class F license. (Ord. 85-19, 4-21-86)
- (H) Violate any provisions of Title 12 Chapter 2 of the Morton Municipal Code or violate any rules or regulations promulgated by any authority pursuant to the Smoke Free Illinois Act. (Ord. 07-52, 1-7-08)

3-8-25: **LOCATION RESTRICTIONS:** No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, hospital, home for the aged, indigent persons, or veterans, undertaking establishment, or mortuary; provided that this prohibition shall not apply to restaurants, regularly organized clubs, food shops, or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to taking effect of this Chapter, nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school since the issuance of the original license. In the case of a church, a distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship services or educational programs and not to property or boundaries. (Ord. 85-19, 4-21-86)

3-8-26: **MINORS IN TAVERNS:** It shall be unlawful for any minor person under the age of seventeen (17) years, unless accompanied by his parent, legal guardian, or other responsible adult at least twenty five (25) years of age having the custody and control of said minor person, to enter upon or attempt to enter any premises licensed as a tavern, except in the exercise of the legitimate business or trade of such minor; provided, however, that this Section shall not apply to restaurants, clubs, package liquor stores, or to that portion of bowling alleys other than those used exclusively or primarily for the sale and consumption of alcoholic liquors. (Ord. 85-19, 4-21-86)

3-8-27: **MISREPRESENTATION OF AGE:** If a licensee or his agent or employee believes or has reason to believe that sale or delivery of any alcoholic liquor is prohibited because of the nonage of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification containing proof of age, issued by a public official in the performance of his official duties.

For the purpose of preventing the violation of this Section, any licensee, his agent, or employee may refuse to sell or serve alcoholic beverages to any person who, in his opinion, is unable to produce adequate positive identification of identity and of the fact that he or she is at least the age of twenty one (21). (Ord. 85-19, 4-21-86; amd. Ord. 96-27, 10-21-96)

3-8-28: **PEDDLING:** It shall be unlawful to peddle alcoholic liquor in the Village. (Ord. 85-19, 4-21-86)

3-8-29: **PUBLIC PLACES, CONSUMPTION:** No person may consume or have in his possession an open container or a container with a broken seal containing any alcoholic beverage in any park or vehicle parking area open to the public or in any restaurant or eating places not licensed to serve alcoholic beverages within the Village.

The foregoing provisions shall not apply when a licensee has been issued a Class F license; and further provided, that the aforesaid activity is only permitted pursuant to the authority and provisions of such Class F license. (Ord. 85-19, 4-21-86)

3-8-30: **REPORTING OF INCIDENTS:** Each licensee and each of his agents and employees shall immediately report to the Police Department of the Village of Morton any incident occurring in or about the licensed premises and in his knowledge or view relating to the attempt or commission of any crime, including any violation of this Chapter, and shall truthfully and fully answer all questions and investigations of any identified police officer who makes inquiry concerning any persons in or about the licensed premises and any events taking place in and about the licensed premises. (Ord. 85-19, 4-21-86)

3-8-31: **RESTRICTED AREA:** It shall be unlawful to sell or offer for sale at retail any alcoholic liquor within any residential district of the Village. (Ord. 85-19, 4-21-86)

3-8-32: **SALE OF LICENSED PREMISES:** Upon application being filed with the Local Liquor Control Commissioner, or his designee, and upon payment of an investigation fee in the sum of fifty dollars (\$50.00), the Local Liquor Control Commissioner may issue a license to the purchaser of an established licensed business as a going concern. Such application must be for exactly the same class of license as that held by the seller, and such application shall be only for the same location as the previously licensed business. Any such purchaser shall make application for the issuance of a new license to him, and in such application he shall state the actual facts in respect to his purchase of such business. He shall also fill out an application form and furnish the information and make that statement similar to that required of any other licensee under Section 3-8-7 of this Chapter. Such application shall be investigated and approved or rejected in the case of applications for original licenses; and, if approved, the license shall be issued to such purchaser upon payment to the Local Liquor Control Commissioner, or his designee, of the license fee then due, without any credit for any unused portion of the previous license; and there shall be no rebate to any person for any unused portion of any license. No license shall be issued to the purchaser of such business until the seller of such business shall have surrendered his license to the Local Liquor Control Commissioner, or his designee, for cancellation. (Ord. 85-19, 4-21-86; amd. Ord. 04-53, 3-7-05)

3-8-33: **SHOWING OF CERTAIN FILMS, PICTURES PROHIBITED:** It shall be unlawful for any licensee for on-premises consumption under this Chapter to suffer or permit the showing on the premises or in any area which can be viewed from the premises of film, still pictures, electronic reproduction, or other visual reproductions depicting:

- (A) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
- (B) Any person being touched, caressed, or fondled on the breast, buttocks, anus, or genitals.
- (C) Scenes wherein a person displays the vulva or the anus or the genitals.
- (D) Scenes wherein artificial devices or inanimate objects are employed to depict or drawings are employed to portray any of the prohibited activities described above. (Ord. 85-19, 4-21-86)

3-8-34: **PENALTY PROVISIONS:** Any person other than a license holder who violates any of the provisions of this Chapter shall, upon conviction, be punished by a fine of not less than fifty dollars (\$50.00) or more than seven hundred fifty dollars (\$750.00) except that the minimum fine for violations of certain sections of this Chapter shall be as follows:

- (A) Section 3-8-14: Two hundred dollars (\$200.00).
- (B) Section 3-8-18: Two hundred dollars (\$200.00).
- (C) Section 3-8-27: (Rep. by Ord. 96-27, 10-21-96)
- (D) Section 3-8-33: Two hundred dollars (\$200.00).

License holders are subject to the provisions of Sections 3-8-1 and 3-8-12 of this Chapter and are subject to the fines provided for therein. (Ord. 85-19,4-21-86; amd. Ord. 99-37, 12-6-99)

3-8-35: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, 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 Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included. (Ord. 85-19, 4-21-86)

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 203 - July 2009
Includes Ordinances: 09-12, 09-14, 09-15, 09-16, 09-17

REMOVE PAGES HEADED

INSERT PAGES HEADED

TITLE 3:

3-8-5 (C) Renewals: Any licensee...

3-8-5 (C) Renewals: Any licensee...

TITLE 8:

8-3-5.6 COMBINED SEWER
(And the following page)

8-3-5.6 COMBINED SEWER
(And the following page)

TITLE 9:

9-6-2 Thoroughfare
(H) E. Birchwood St.
(And the following 2 pages)

9-6-2 Thoroughfare
(H) E. Birchwood St.
(And the following 2 pages)

TITLE 11:

11-4-3 EASEMENTS: Easements

11-4-3 (O) The Village requires...

PREFACE

This volume of the Village Code of the Village of Morton, as supplemented, contains ordinances up to and including ordinances:

09-12, July 6, 2009
09-14, July 6, 2009
09-15, July 6, 2009
09-16, July 20, 2009
09-17, July 20, 2009

Ordinances of the Village adopted after said ordinances supersede the provisions of this Village Code to the extent that they are in conflict or inconsistent therewith. Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.

- (C) Renewals: Any licensee may renew his license prior to the expiration thereof; provided, that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purpose; and provided further, that the renewal privilege herein contained shall not be construed as a vested right which shall, in any case, prevent the Board of Trustees from decreasing the number of licenses to be issued within the Village.

Any person who shall fail to make application for renewal and pay the fee as herein provided shall be deemed to have forfeited and abandoned such license, and no renewal thereof shall thereafter be permitted. Any such license so forfeited or abandoned shall not be reissued, and any such person seeking thereafter to procure a license shall be considered as a new applicant and shall be subject to all limitations as to the number of licenses to be issued as heretofore provided.

- (D) Transfer Of License: A license shall be purely a privilege good for and not to exceed one year after issuance, unless sooner revoked as by law provided, and shall not constitute property; nor shall it be subject to attachment, garnishment, or execution; nor shall it be alienable or transferable voluntarily or involuntarily. Such license shall not descend by the law of testate or intestate devolution; but it shall cease upon the death of the licensee; provided, that executors or administrators of the estate of any deceased licensee and trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquors, may continue the business of the sale of alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than six (6) months after the death, insolvency, or bankruptcy of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this Subsection.

- (E) Change Of Location: A retail dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon a written permit to make such changes issued by the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and the applicable provisions of this Code. (Ord. 85-19, 4-21-86; amd. Ord. 04-53, 3-7-05)

3-8-6: **LIMITATION ON NUMBER:** In order that the health, safety, and welfare of the people of the Village be protected, and in order that minors shall be prevented from the purchase of alcoholic liquors, and in order that temperance in the consumption of liquors be fostered and promoted, there shall be a limit upon the number of liquor licenses issued and in effect, which is as follows:

Class A-1	Zero (0)
Class A-2	Four (4)
Class A-3	Zero (0)
Class A-4	One (1)
Class B-1	Three (3)
Class B-2	Nine (9)
Class B-3	Four (4)
Class C	One (1)
Class D	Two (2)
Class E	Three (3)
Class F	No specific limit
Class G	One (1)

(Ord. 86-1, 5-5-86; amd. Ord. 86-14, 11-3-86; Ord. 87-11, 8-17-87; Ord. 88-14, 8-15-88; Ord. 89-10, 8-21-89; Ord. 95-1, 5-15-95; Ord. 97-14, 7-22-97; Ord. 97-38, 4-20-98; Ord. 98-30, 12-7-98; Ord. 98-49, 4-19-99; Ord. 99-12, 8-2-99; Ord. 99-17, 9-7-99; Ord. 99-38, 11-15-99; amd. Ord. 99-48, 2-21-00; amd. Ord. 00-02, 5-1-00; amd. Ord. 01-01, 5-7-01; amd. Ord. 02-10, 7-1-02; amd. Ord. 04-10, 6-21-04; amd. Ord. 04-21, 7-6-04; amd. Ord. 05-22, 10-17-05; amd. Ord. 05-47, 3-20-06; amd. Ord. 06-08, 6-5-06; amd. Ord. 08-10, 8-18-08; amd. Ord. 08-13, 9-15-08; amd. Ord. 08-15, 11-3-08, amd. Ord. 08-29, 12-1-08; amd. Ord. 08-47, 4-20-09; amd. Ord. 09-06, 5-18-09; amd. Ord. 09-09, 6-1-09; amd. Ord. 09-12, 7-6-09)

3-8-7: **LICENSES, APPLICATION REQUIREMENTS:** All applications shall be on forms approved by the local Liquor Control Commission and shall be submitted in writing, executed under oath or affirmation by the applicant seeking a license, shall be accompanied by a bond in the penal sum of one thousand dollars (\$1000.00) with corporate surety authorized to do business in the State of Illinois, and shall set forth the following information and statements:

- (A) The applicant's name and mailing address.
- (B) The name and address of the applicant's business.
- (C) If applicable, the date of the filing of the "assumed name" of the business with the County Clerk.
- (D) In case of a co-partnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; or, in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the Illinois Business Corporation Act¹ to transact business in the State of Illinois.
- (E) The name and address of the landlord if the premises are leased.
- (F) The date of the applicant's first request for a State liquor license and whether it was granted, denied, or withdrawn.
- (G) Whether the applicant has made an application for a liquor license which has been denied; and, if so, the reasons therefor.
- (H) Whether the applicant has ever had a previous liquor license suspended or revoked; and, if so, the reasons therefor.

¹ S.H.A., Ch. 32, 1.01 et seq.

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.

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(H)	E. Birchwood St.	North side	From S. Main to S. First.
(I)	W. Birchwood St.	Both sides	
(J)	W. Bond St.	Both sides Both sides South side	From W. Jackson to 80' east of W. Jackson. From N. Morton Ave. to 150' west of N. Morton Ave. From McArthur to 148' west of McArthur.
(K)	Bradley St.	North side South side	From N. Main to W. Jefferson, except from 80' to 125' west of Main St. From N. Main to 150' west of N. Main.
(L)	Clark St.	Both sides	From N. Morton Ave. to 265' west of N. Morton Ave. (amd. Ord. 99-30, 10-18-99)
(M)	Commerce Dr.	Both sides	
(N)	E. Courtland St.	Both sides	
(O)	W. Courtland St.	Both sides	(amd. Ord. 07-44, 11-19-07)
(P)	Detroit Ave.	East side North side West side	From W. Jackson to 400' south of W. Birchwood. From S. Main to 130' west of S. Main. From W. Jackson to S. Main.
(Q)	Detroit Pkwy.	Both sides	
(R)	W. Edgewood Ct.	North side	From Detroit to 125' west of Detroit, and from 290' west of Detroit to 370' west of Detroit.
(S)	Erie Ave.	Both sides	From W. Birchwood to north end.
(T)	Erie Ct.	Both sides	
(U)	E. Fernwood St.	Both sides	From 250' south of Brentwood Rd. to 500' southwest of Brentwood Rd.
(V)	N. First Ave.	West side	From E. Jefferson to E. Madison.
(W)	S. First Ave.	Both sides East side West side West side West side	From E. Washington to 115' south of E. Washington. From E. Adams to 45' south of E. Adams. From E. Adams to 48' north of E. Adams. From E. Washington to 100' north of E. Washington. From 80' south of E. Birchwood to 300' north of E. Wick.
(X)	E. Forestwood St.	North side South side	From S. Fourth to 80' east of S. Fourth. From S. Fourth to 50' east of S. Fourth.
(Y)	N. Fourth Ave.	West side	From E. Jefferson to E. Monroe.
(Z)	S. Fourth Ave.	Both sides Both sides East side East side	From E. Hazelwood to 500' south of E. Queenwood Rd. From E. Jefferson to E. Washington. From E. Washington to E. Birchwood. From E. Greenwood to 150' south of E. Greenwood, between 8:00 A.M. and 4:00 P.M. on school days.

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(AA)	E. Greenwood St.	North side North side North side South side South side	From 90' east of S. First to 310' east of S. First. From 270' west of Lee to 525' west of Lee, between 8:00 A.M. and 4:00 P.M. on school days. From S. Fourth to 300' east of S. Fourth, between 8:00 AM and 4:00 PM on school days. From S. Fourth to 380' east of S. Fourth, between 8:00 A.M. and 4:00 P.M. on school days. From 730' east of S. Fourth to 1065' east of S. Fourth, from Memorial Day to Labor Day, between the hours of 1:00 P.M. and 7:00 P.M.
(BB)	Highland St.	Both sides	
(CC)	N. Illinois Ave.	Both sides East side East side East side East side West side	From E. Jackson to Harrison, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the Morton Police Department (MPD) to residents whose homes front on the prohibited area and their guests. From Rassi to 180' north of E. Monroe, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests. From 180' north of E. Monroe to 325' north of E. Monroe. From E. Jackson to 125' south of E. Jackson. From 125' south of E. Jackson to 325' north of E. Monroe, between 7:30 A.M. and 4:00 P.M. on school days, except for: (1) Vehicles displaying a valid handicapped parking permit or handicapped license plate. (2) Vehicles displaying a parking permit issued by Morton High School. (3) Vehicles parked in a designated visitor's parking space (a visitor is a person who has been properly registered and designated as such by the Morton High School Office). From Rassi to E. Jackson, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(DD)	S. Illinois Ave.	Both sides	From 160' north of Sunset Rd. to Brentwood Rd.
(EE)	N. Indiana Ave.	Both sides Both sides	From Rassi to Kay, between 8:00 A.M. and 4:00 P.M. on school days, except 45' south of Kay on the east side of N. Indiana, where no parking is permitted at any time, and except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests. From E. Jackson to Harrison, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(FF)	E. Jackson St.	Both sides Both sides North side South side	From N. Main to N. Kansas. From N. Montana to the eastern corporate limits line. From N. Missouri to 70' west of N. Missouri. From N. Missouri to 110' west of N. Missouri. (amd. Ord. 07-24, 8-6-07)

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(GG)	W. Jackson St.	Both sides	
(HH)	E. Jefferson St.	Both sides Both sides Both sides North side North side South side South side	From S. Seventh to Illinois. From 110' west of Nebraska to 300' east of Nebraska, between 8:00 A.M. and 4:00 P.M. on school days. From 125' west of Oregon to the eastern corporate limits line. From Main to 200' east of Main. From N. Third to 75' east of N. Third, between 8:00 A.M. and 4:00 P.M. on school days. From Main to 80' east of Main. From S. Third to 228' west of S. Third.
(II)	W. Jefferson St.	Both sides Both sides North side North side South side South side South side South side	From McArthur to the western corporate limits line. From N. Morton Ave. to Pershing. From Bradley to Pershing. From Main to 75' west of Main. From Pershing to 50' east of Pershing. From S. Plum to 85' west of S. Plum. From Main to 290' west of Main. From McArthur to 110' east of McArthur.
(JJ)	N. Kansas Ave.	Both sides Both sides	From E. Jackson to Harrison, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests. From E. Monroe to 200' south of E. Monroe, between 8:00 A.M. and 4:00 P.M. on school days except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(KK)	Kay St.	North side South side South side	From N. Indiana to 70' east of N. Indiana. From N. Indiana to 55' east of N. Indiana. From 55' east of N. Indiana to N. Missouri, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(LL)	E. Madison St.	Both sides	From N. Main to N. First.
(MM)	W. Madison St.	South side	From N. Main to Bradley.
(NN)	N. Main St.	Both sides East side East side West side West side	From 160' south of N. Third to the northern corporate limits line. From 130' south of Jackson to 250' north of Jackson. From Jefferson to 135' north of Jefferson. From 185' south of Jackson to 160' south of N. Third. From Jefferson to 150' north of Jefferson.
(OO)	S. Main St.	East side East side East side West side West side West side	From 300' north of Birchwood to E. Crestwood. From 270' south of Fernwood to the southern corporate limits line. From Jefferson to 170' south of Jefferson. From 280' north of Birchwood to 130' south of Crestwood. From Fernwood to the southern corporate limits line. From Jefferson to 65' south of Jefferson.

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(PP)	S. Maple Ave.	West side	From W. Jefferson to W. David.
(QQ)	N. McArthur Ave.	Both sides	From W. Jackson to Alexander.
(RR)	S. McArthur Ave.	East side	From W. Jefferson to W. David.
(SS)	E. Monroe St.	Both sides	From N. Illinois to N. Louisiana, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
		North side	From N. Main to N. Illinois.
		South side	From N. Fourth to N. Illinois, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(TT)	N. Morton Ave.	Both sides Both sides	From Mosiman Ave. to Hyde Park Dr. From Timberline Dr. to Forestview Rd., between 8:00 A.M. and 4:00 P.M. on school days.
(UU)	N. Nebraska Ave.	Both sides	From N. Main to 100' east of N. Main.
(VV)	S. Nebraska Ave.	Both sides	South of E. Idlewood.
(WW)	Penn St.	Both sides	From S. First to Clifton.
(XX)	S. Pershing Ave.	Both sides	From W. Jefferson to end of street.
(YY)	W. Pershing St.	North side South side South side	From N. Main to W. Jefferson. From N. Main to 40' west of N. Main. From W. Jefferson to 250' east of W. Jefferson.
(ZZ)	S. Plum Ave.	Both sides East side	From W. Adams to W. Washington. From W. Jefferson to W. Adams.
(AAA)	E. Queenwood Rd.	Both sides	
(BBB)	W. Queenwood Rd.	Both sides	
(CCC)	Rassi St.	North side	From N. Illinois to N. Indiana, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(DDD)	St. Paul St.	Both sides	
(EEE)	N. Second Ave.	East Side West side	From E. Jackson to Harrison, between 8:00 A.M. and 4:00 P.M. on school days. From E. Madison to E. Jackson.
(FFF)	Tennessee Ave.	Both sides	

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(GGG)	N. Third Ave.	Both sides Both sides	From N. Main to E. Polk. From Behrends Ct. to E. Jackson, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests, or for vehicles in a funeral procession. (amd. Ord. 07-24, 8-6-07)
		East side West side	From E. Jackson to 120' north of E. Jackson. From E. Jackson to Harrison.
(HHH)	Veteran's Rd.	Both sides	From W. Jefferson to the northern corporate limits line.
(III)	Walton Ave.	Both sides	
(JJJ)	E. Washington St.	Both sides North side	From S. Main to S. First. From S. First to S. Fourth.
(KKK)	W. Washington St.	North side	From S. Main to S. Plum.
(LLL)	Yordy Rd.	Both sides South side	From S. Main to 175' east of S. Main. From 60' east of Tuscany Ct. to 245' east of Tuscany Ct. (amd. Ord. 07-49, 12-17-07)

(Ord. 98-18, 9-8-98; amd. Ord. 98-28, 12-21-98; amd. Ord. 99-2, 5-17-99; amd. Ord. 99-16, 9-7-99; amd. Ord. 99-23, 9-20-99; amd. Ord. 99-47, 3-6-00; amd. Ord. 00-13, 7-6-00; amd. Ord. 00-24, 8-21-00; amd. Ord. 02-37, 4-7-03; amd. Ord. 03-03, 7-7-03; amd. Ord. 03-12, 8-18-03; 03-15, 8-18-03; amd. Ord. 03-41, 7-19-04; amd. Ord. 04-17, 7-6-04); amd. Ord. 4-22, 7-19-04; amd. Ord. 04-25, 8-2-04; amd. Ord. 04-38, 11-15-04; amd. Ord. 05-09, 7-18-05; amd. Ord. 05-16, 9-6-05; amd. Ord. 09-02, 5-4-09; amd. Ord. 09-16, 7-20-09; amd. Ord. 09-17, 7-20-09)

9-6-3: **LIMITED PARKING AREAS; TIMES DESIGNATED:**

(A) Two Hour Limit: It shall be unlawful to permit any vehicle to stand between eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. on any day, except Sunday, unless different times apply pursuant to this Section, for more than two (2) hours at any time on the following streets:

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
1.	Adams St.	Both sides South side	From S. Plum to S. First. From Pershing to 480' east of Pershing. From Plum to 80' west of Plum.
2.	Alexander St.	North side	From 250' west of N. Morton Ave. to McArthur, between 6:00 A.M. and 6:00 P.M., Monday through Friday.
3.	Bond St.	Both sides	From 150' west of N. Morton Ave. to McArthur, between 6:00 A.M. and 6:00 P.M., Monday through Friday.
4.	Clark St.	Both sides	From 50' west at N. Morton Ave. to McArthur, between 6:00 A.M. and 6:00 P.M., Monday through Friday.
5.	Jefferson St.	Both sides	From S. Plum to S. First.

<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
6. Main St.	Both sides	From Madison to W. Washington, except where no parking is allowed or where parking is limited to 15 minutes.
7. McArthur Ave.	Both sides	From Alexander to Clark.

(B) Fifteen-Minute Limit: It shall be unlawful to permit any vehicle to stand between eight o'clock (8:00) A.M. and five o'clock (5:00) P.M. on any day, Monday through Friday, unless different times apply pursuant to this Section, for more than fifteen (15) minutes on the following streets:

<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
1. E. Adams St.	North side	From S. First to 360' west of S. Third between 8:00 A.M. and 4:00 P.M. on school days.
2. Bradley St.	North side	From 80' west of Main St. to 125' west of Main St. at any time.
3. E. Jefferson St.	South side	From 228' west of S. Third to 300' west of S. Third between 8:00 A.M. and 4:00 P.M. on school days.
4. N. Main St.	East side	From 135' north of Jefferson to 40' south of Madison.
5. S. Nebraska Ave.	East side	From E. Jefferson to E. Crestwood between 8:00 A.M. to 4:00 P.M. on school days.
6. S. Plum Ave.	West side	From W. Adams to 100' north of W. Adams at any time.
7. S. Third Ave.	West side	From E. Jefferson to E. Adams between 8:00 A.M. and 4:00 P.M. on school days.

(Ord. 89-21, 4-2-90; Ord. 90-17, 9-4-90; amd. Ord. 92-20, 10-5-92; Ord. 93-28, 3-7-94; amd. Ord. 03-03, 7-7-03; amd. Ord. 04-18, 7-6-04)

9-6-5: **PARKING AT CURB:** No vehicle shall be parked with the left side of such vehicle at the curb, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two (2) right wheels of the vehicle within twelve inches (12") of the regularly established curb line. (1944 Code, Sec. 362)

9-6-6: **PARKING VEHICLES FOR SALE:** It shall be unlawful to park any vehicle upon any Street for the purpose of displaying it for sale, or to park any vehicle upon any street from which vehicle merchandise is peddled or sold. (1944 Code, Sec. 363)

9-6-7: **REPAIRING OR RACING MOTOR:** No person shall adjust or repair any motor vehicle or race the motor of same while standing on the street or alley excepting in case of a breakdown, or other emergency requiring same. (1944 Code, Sec. 364)

9-6-8: **RIGHT OF WAY:** The driver of a parked vehicle about to start shall give moving vehicles the right of way and the driver of the parked vehicle shall give a timely and visible warning in some unmistakable manner before starting. (1944 Code, Sec. 365)

- (O) The Village requires compliance with this subdivision ordinance as it pertains to streets, including curb and gutter and storm sewer, sidewalks, street lights and storm water detention, for all developments within the one and one-half (1.5) mile border of its corporate boundaries. (Ord. 09-14, 7-6-09)

11-4-3: **EASEMENTS:** Easements across lots for utilities, cable television, water course, drainage way, channel, or stream shall not be less than twelve feet (12') wide and shall be adjacent to or centered on lot lines. (Ord. 80-42, 4-6-81)

11-4-4: **BLOCKS:**

- (A) The length, width, and shape of blocks shall be determined with regard to:

1. Provision of adequate building sites for the type of use contemplated.
2. Requirements as to lot size and dimensions.
3. Needs for convenient access circulation, control, and safety of street traffic.
4. Limitations and opportunities for topography.

- (B) Block lengths shall not exceed one thousand three hundred twenty feet (1,320').

- (C) In cases where the block length exceeds six hundred feet (600') and where deemed essential by the Plan Director to provide pedestrian circulation to schools, playgrounds, shopping centers, and other community facilities, an easement dedicated to the public for a pedestrian crosswalk not less than ten feet (10') wide shall be provided and a five foot (5') wide sidewalk constructed. (Ord. 80-42, 4-6-81)

11-4-5: **LOTS:**

- (A) All provisions of the Village Zoning Ordinance concerning lots shall apply including lot area, width, and depth. No parcel, remainder, gore, outlot, or remnant of land which is part of the tract being subdivided shall be created which, by reason of lot width, depth, area, frontage, topography, or lack of access thereto, cannot be used as a zoning lot, or be subject to further subdivision in accordance with the terms of this Title. Any remaining parcel or outlot which cannot be made to comply with the foregoing shall be eliminated by combining the area thereof with one or more adjoining lots which do comply or by conveying same for the appropriate public use to a public body, subject to its acceptance of same.

- (B) The lot shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

- (C) Double frontage lots shall be avoided except where essential to provide separation of residential development from major streets or to overcome specific disadvantages of topography and orientation.

- (D) Side lot lines shall be substantially at right angles or radial to street lines. (Ord. 80-42, 4-6-81)

11-4-6: **PUBLIC SITES AND OPEN SPACES:** When a proposed park, playground, or school site is shown on the "Official Map", or in the opinion of the Plan Director is necessary for the public welfare, the Plan Director may require the reservation of the appropriate area as specified in Section 11-1-11. (Ord. 80-42, 4-6-81)

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 204 - August 2009
Includes Ordinances: 09-19, 09-20, 09-22, 09-23

REMOVE PAGES HEADED

INSERT PAGES HEADED

TITLE 1:

1-5-1 CHAPTER 5
BOARD OF TRUSTEES

1-5-1 CHAPTER 5
BOARD OF TRUSTEES

TITLE 3:

3-8-1 RESTAURANT:

3-8-1 RESTAURANT:

3-8-5 (C) Renewals:

3-8-5 (C) Renewals:

TITLE 9:

9-4-51 TRUCK ROUTES:

9-4-51 TRUCK ROUTES:

TITLE 10:

10-2-1 CHAPTER 2
DEFINITIONS

10-2-1 CHAPTER 2
DEFINITIONS

10-6-3 B-2 GENERAL BUSINESS DISTRICT:
(And the following page)

10-6-3 B-2 GENERAL BUSINESS DISTRICT:
(And the following page)

TITLE 11:

11-4-3 (O) The Village requires...

11-4-2 (O) The Village requires...

PREFACE

This volume of the Village Code of the Village of Morton, as supplemented, contains ordinances up to and including ordinances:

09-19, August 3, 2009
09-20, August 3, 2009
09-22, August 3, 2009
09-23, August 3, 2009

Ordinances of the Village adopted after said ordinances supersede the provisions of this Village Code to the extent that they are in conflict or inconsistent therewith. Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.

CHAPTER 5
BOARD OF TRUSTEES

SECTION:

- 1-5-1: Election; Term
- 1-5-2: Oath; Compensation
- 1-5-3: Meetings
- 1-5-4: Presiding Officer
- 1-5-5: Quorum
- 1-5-6: Assignment of Duties and Responsibilities
- 1-5-7: Disturbing Meetings
- 1-5-8: Order Of Business
- 1-5-9: Rescinded Action
- 1-5-10: Resolutions
- 1-5-11: Addressing Meetings
- 1-5-12: Suspension Of Rules
- 1-5-13: Robert's Rules Of Order
- 1-5-14: Recording Meetings
- 1-5-15: Attendance At Meetings Other Than By Physical Presence

1-5-1: **ELECTION; TERM:** The Board of Trustees of the Village shall consist of six (6) members who shall each be elected to office for a four (4) year term as provided by Statute. Said Board of Trustees shall be the legislative department of the Village government and shall perform such duties and have such powers as may be delegated to it by Statute.¹ (1944 Code, Sec. 6)

1-5-2: **OATH; COMPENSATION:** The members of the Board of Trustees shall take the oath of office prescribed by Statute before entering upon their duties. Each member of the Board of Trustees shall receive compensation in the amount of one thousand two hundred dollars (\$1,200.00) per year, payable monthly. In addition thereto, each member of the Board of Trustees shall receive reimbursement from the Village for expenses as may be incurred by the Trustee in the course of performing official duties. (Ord. 705, 4-25-77; amd. Ord. 00-29, 10-16-00; amd. Ord. 04-29, 9-7-04; amd. Ord. 08-07, 7-21-08)

1-5-3: **MEETINGS:** The regular meetings of the Board of Trustees shall be held on the first and third Mondays of each month at seven o'clock (7:00) P.M.

The meeting place of said Village Board shall be at Freedom Hall, 349 W. Birchwood, Morton, Illinois. If a regularly scheduled meeting falls on a legal holiday, the Board may schedule the meeting to the following Tuesday at seven o'clock (7:00) P.M.

Special meetings may be called by the President of the Board or any three (3) Trustees upon at least forty eight (48) hours' written notice to all members and the President, stating the object and purposes of such meeting and the time of holding the same. Notice of such special meeting or of a meeting called as a result of a bona fide emergency shall be given as required by the Open Meetings Act.² (Ord. 93-13, 9-7-93; amd. Ord. 95-37, 3-5-96, eff. 4-1-96; amd. Ord. 97-33, 1-19-98)

¹ 65 ILCS 5/3-5-2.

² 5 ILCS 120/1.

1-5-4: **PRESIDING OFFICER:** The President of the Board shall be the presiding officer of all regular and special meetings of said Board of Trustees and at all times when the Board meets as a committee of the whole.¹ (1944 Code, Sec. 9)

1-5-5: **QUORUM:** A majority of the corporate authorities shall constitute a quorum to do business. (Ord. 93-13, 9-7-93)

1-5-6: **ASSIGNMENT OF DUTIES AND RESPONSIBILITIES:** Members of the Board of Trustees may be assigned such duties and responsibilities by the Village President as the Village President shall deem necessary and desirable from time to time, with the approval of the Board of Trustees. The Village President may also retain such duties and responsibilities as the Village President shall deem necessary and desirable from time to time, with the approval of the Board of Trustees. (Ord. 05-03, 05-02-05)

1-5-7: **DISTURBING MEETINGS:** It shall be unlawful for any person to disturb any meeting of the Board of Trustees or of any committee thereof. (1944 Code, Sec. 12)

1-5-8: **ORDER OF BUSINESS:** The order of business of the Board of Trustees shall be as follows:

- I. Call to Order.
- II. Roll Call.
- III. Pledge of Allegiance to the Flag.
- IV. Public Hearings.
- V. Presentations and Special Reports.
- VI. Public Comment.
- VII. Consent Agenda.
- VIII. Consideration of Items Removed from the Consent Agenda.
- IX. Village President.
- X. Village Clerk.
- XI. Village Treasurer.
- XII. Business Manager.
- XIII. Chief of Police.
- XIV. Corporation Counsel.
- XV. Director of Fire and Emergency Services.
- XVI. Superintendent of Public Works.
- XVII. Zoning Enforcing Officer.
- XVIII. Village Trustees.
- XIX. Closed Sessions.
- XX. Consideration of Matters Arising from Closed Sessions.
- XXI. Adjournment.

(amd. Ord. 05-21, 10-3-05; amd. Ord. 06-02, 5-1-06; amd. Ord. 09-22, 8-3-09)

¹ 65 ILCS 5/3-11-14 as referred to by 65 ILCS 5/3-12-3.

- RESTAURANT:** Any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests (and where the sale or consumption of alcoholic liquors is only incidental to the serving of meals).
- RETAILER:** A person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.
- SALE:** Any transfer, exchange, or barter in any manner or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant, or employee. The term "sale" includes any transfer of alcoholic liquor from a foreign importer's license to an importing distributor's license even if both licenses are held by the same person.
- SELL AT RETAIL:** Any "sale at retail" refers to and means sales for use or consumption and not for resale in any form.
- SPIRITS:** Any beverage which contains alcohol obtained by distillation mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances.
- TAVERN:** Any person, including restaurants, hotels, and motels, who sells or offers for sale at retail any alcoholic liquor for use or consumption upon the premises and not for resale in any form; provided, however, that this definition shall not be construed to apply to any duly licensed, practicing physician or dentist in the strict practice of his profession, or any hospital or other institution caring for sick or diseased persons in the bona fide treatment of such patients, or any drug store employing a licensed pharmacist in the concoction of prescriptions of duly licensed physicians, or the authorized representative of any church for the purposes of conducting any bona fide right or religious ceremony conducted by such church.
- TO SELL:** Includes to keep or expose for sale and to keep with intent to sell.
- WINE:** Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits as defined herein.

3-8-2: LICENSE REQUIRED: No person, either by himself or his agent, or any person acting as an agent, barkeeper, clerk, or servant of another shall sell or offer for sale at retail within the limits of the Village any alcoholic liquor without first having obtained a license to do so as provided in this Chapter. No such person shall sell or offer for sale any alcoholic liquors in violation of the terms and provisions of this Chapter. It shall be unlawful for any such person to allow any customer, guest, or patron to bring any alcoholic liquor into such establishment for consumption on the premises or to serve any alcoholic liquor purchased off the premises by a customer, patron, guest, or other person, unless that establishment has a Class G license; provided, however, that this prohibition shall not apply in those instances where an establishment rents out its facilities to a third party and said third party brings any alcoholic liquor into such establishment for consumption on the premises by said third party and its guests. (amd. Ord. 08-37, 3-16-09)

3-8-3: TYPES OF LICENSES:

(A) Classification: There shall be the following classes of licenses to sell alcoholic liquor at retail, subject to the fees indicated: (Ord. 08-37, 3-16-09)

1. Class A-1: Class A-1 licenses shall authorize the sale at retail of beer and wine only for consumption off the premises only. The annual fee for such licenses shall be one thousand four hundred forty dollars (\$1,440.00).

The licensee shall maintain such business only on a ground floor location with a minimum of one thousand four hundred (1,400) square feet of floor space and a minimum of twenty feet (20') of frontage and have no customer or public entrances or exits from or to any other building whatsoever and may sell only items incidental to the packaged liquor business, such as nonalcoholic beverages, cigarettes and tobacco products, glasses and bar supplies, as well as food stuffs, provided that the display of such food stuffs shall not take up more than five percent (5%) of the square footage of floor space.

This license shall not be issued to any establishment where motor fuel is sold or offered for sale from approved pumps, whether through an attendant or by self-service. For purposes of this section, motor fuel shall include all volatile and flammable liquids which are produced, blended, or compounded, or which are suitable or practicable for operating motor vehicles.

Additionally, this license shall authorize the licensee to conduct unlimited product tasting of beer or wine in the licensed premises.

2. Class A-2: Class A-2 licenses shall authorize the sale at retail of beer and wine only for consumption on the premises only. The annual fee for such licenses shall be one hundred twenty dollars (\$120.00).
3. Class A-3: Class A-3 licenses shall authorize the sale at retail of beer and wine only for consumption off or on the premises. The annual fee for such licenses shall be three hundred sixty dollars (\$360.00).
4. Class A-4: Class A-4 licenses shall authorize the sale at retail of wine only for consumption off the premises only. The annual fee for such licenses shall be three hundred dollars (\$300.00).

Additionally, this license shall authorize the licensee to conduct unlimited product tasting of wine in the licensed premises.

5. Class B-1: Class B-1 licenses shall authorize the sale at retail of alcoholic liquors for consumption off the premises only. The annual fee for such licenses shall be one thousand four hundred forty dollars (\$1,440.00).

The licensee shall maintain such business only on a ground floor location with a minimum of one thousand four hundred (1,400) square feet of floor space and a minimum of twenty feet (20') of frontage and have no customer or public entrances or exits from or to any other building whatsoever and may sell only items incidental to the packaged liquor business, such as nonalcoholic beverages, cigarettes and tobacco products, glasses and bar supplies, as well as food stuffs, provided that the display of such food stuffs shall not take up more than five percent (5%) of the square footage of floor space.

This license shall not be issued to any establishment where motor fuel is sold or offered for sale from approved pumps, whether through an attendant or by self-service. For purposes of this section, motor fuel shall include all volatile and flammable liquids which are produced, blended, or compounded, or which are suitable or practicable for operating motor vehicles.

- (C) Renewals: Any licensee may renew his license prior to the expiration thereof; provided, that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purpose; and provided further, that the renewal privilege herein contained shall not be construed as a vested right which shall, in any case, prevent the Board of Trustees from decreasing the number of licenses to be issued within the Village.

Any person who shall fail to make application for renewal and pay the fee as herein provided shall be deemed to have forfeited and abandoned such license, and no renewal thereof shall thereafter be permitted. Any such license so forfeited or abandoned shall not be reissued, and any such person seeking thereafter to procure a license shall be considered as a new applicant and shall be subject to all limitations as to the number of licenses to be issued as heretofore provided.

- (D) Transfer Of License: A license shall be purely a privilege good for and not to exceed one year after issuance, unless sooner revoked as by law provided, and shall not constitute property; nor shall it be subject to attachment, garnishment, or execution; nor shall it be alienable or transferable voluntarily or involuntarily. Such license shall not descend by the law of testate or intestate devolution; but it shall cease upon the death of the licensee; provided, that executors or administrators of the estate of any deceased licensee and trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquors, may continue the business of the sale of alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than six (6) months after the death, insolvency, or bankruptcy of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this Subsection.

- (E) Change Of Location: A retail dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon a written permit to make such changes issued by the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and the applicable provisions of this Code. (Ord. 85-19, 4-21-86; amd. Ord. 04-53, 3-7-05)

3-8-6: **LIMITATION ON NUMBER:** In order that the health, safety, and welfare of the people of the Village be protected, and in order that minors shall be prevented from the purchase of alcoholic liquors, and in order that temperance in the consumption of liquors be fostered and promoted, there shall be a limit upon the number of liquor licenses issued and in effect, which is as follows:

Class A-1	Zero (0)
Class A-2	Four (4)
Class A-3	Zero (0)
Class A-4	One (1)
Class B-1	Three (3)
Class B-2	Nine (9)
Class B-3	Four (4)
Class C	One (1)
Class D	Two (2)
Class E	Four (4)
Class F	No specific limit
Class G	One (1)

(Ord. 86-1, 5-5-86; amd. Ord. 86-14, 11-3-86; Ord. 87-11, 8-17-87; Ord. 88-14, 8-15-88; Ord. 89-10, 8-21-89; Ord. 95-1, 5-15-95; Ord. 97-14, 7-22-97; Ord. 97-38, 4-20-98; Ord. 98-30, 12-7-98; Ord. 98-49, 4-19-99; Ord. 99-12, 8-2-99; Ord. 99-17, 9-7-99; Ord. 99-38, 11-15-99; amd. Ord. 99-48, 2-21-00; amd. Ord. 00-02, 5-1-00; amd. Ord. 01-01, 5-7-01; amd. Ord. 02-10, 7-1-02; amd. Ord. 04-10, 6-21-04; amd. Ord. 04-21, 7-6-04; amd. Ord. 05-22, 10-17-05; amd. Ord. 05-47, 3-20-06; amd. Ord. 06-08, 6-5-06; amd. Ord. 08-10, 8-18-08; amd. Ord. 08-13, 9-15-08; amd. Ord. 08-15, 11-3-08, amd. Ord. 08-29, 12-1-08; amd. Ord. 08-47, 4-20-09; amd. Ord. 09-06, 5-18-09; amd. Ord. 09-09, 6-1-09; amd. Ord. 09-12, 7-6-09; amd. Ord. 09-23, 8-3-09)

3-8-7: **LICENSES, APPLICATION REQUIREMENTS:** All applications shall be on forms approved by the local Liquor Control Commission and shall be submitted in writing, executed under oath or affirmation by the applicant seeking a license, shall be accompanied by a bond in the penal sum of one thousand dollars (\$1000.00) with corporate surety authorized to do business in the State of Illinois, and shall set forth the following information and statements:

- (A) The applicant's name and mailing address.
- (B) The name and address of the applicant's business.
- (C) If applicable, the date of the filing of the "assumed name" of the business with the County Clerk.
- (D) In case of a co-partnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; or, in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the Illinois Business Corporation Act¹ to transact business in the State of Illinois.
- (E) The name and address of the landlord if the premises are leased.
- (F) The date of the applicant's first request for a State liquor license and whether it was granted, denied, or withdrawn.
- (G) Whether the applicant has made an application for a liquor license which has been denied; and, if so, the reasons therefor.
- (H) Whether the applicant has ever had a previous liquor license suspended or revoked; and, if so, the reasons therefor.

¹ S.H.A., Ch. 32, 1.01 et seq.

9-4-51: **TRUCK ROUTES:**

(A) Truck Routes Designated: The movement of all trucks traveling within the Village shall be confined to the following truck routes, except as hereinafter provided:

1. All State Routes.
2. Ashland Street.
3. Broadway Road.
4. Commerce Drive.
5. Courtland Street.
6. Detroit Avenue from Main Street to Jackson Street.
7. West Jefferson Street from Detroit Avenue to the western corporate limits, subject to any applicable ordinances of Tazewell County.
8. North Main Street from Jackson Street to Courtland Street.
9. South Main Street from the I-155 interchange to Detroit Avenue.
10. North Morton Avenue from Jackson Street to Courtland Street.
11. West Queenwood Road from Main Street to the I-155 interchange.
12. Veteran's Road from Courtland Street to West Jackson Street. (Ord. 98-14, 7-20-98; amd. Ord. 99-1, 5-17-99; amd. Ord. 09-19, 8-3-09)

(B) Exceptions:

1. The restrictions set forth herein shall not apply to trucks normally classified as one ton maximum and under, and having not more than two (2) axles.
2. All trucks larger than those specified in Subsection (B)1 of this Section may travel off of truck routes within the Village only for the purpose of making local freight deliveries. Said trucks shall proceed to the delivery point via the shortest direct route and shall return by the same path to the closest truck route.

(C) Penalty: The minimum penalty, including court costs for any violation of this Section, is seventy five dollars (\$75.00) (Ord. 97-31, 11-17-97)

9-4-52: **TOY VEHICLES IN ROADWAY:** It shall be unlawful for any person upon skates, a coaster, a skateboard, sled, miniature automobile, or other toy vehicle to go upon any roadway other than at a crosswalk. (Ord. 80-5, 6-2-80)

9-4-53: **PUBLIC POOL CROSSING:** The driver of a vehicle approaching the marked crosswalk located on Greenwood Street at the entrance to the Morton Park District Pool, shall yield the right of way, slowing down or stopping if need be to so yield, to any pedestrian who has entered the crosswalk or is approaching the crosswalk so closely as to be in danger. (Ord. 93-14, 10-4-93)

- 9-4-54: **SPEED RESTRICTIONS:** No person shall drive any vehicle upon any public street or highway in the Village at a speed which is greater than:
- (A) That which is reasonable and proper with regard to traffic conditions and the use of the public street or highway, or that endangers the safety of any person or property. The fact that the speed of an automobile does not exceed the applicable maximum speed limit does not relieve the driver of the duty to decrease speed when approaching or crossing an intersection, when approaching or rounding a curve, when approaching a hillcrest, upon any narrow or winding roadway, or when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as necessary to avoid colliding with any person or vehicle or on entering the public street or highway in compliance with legal requirements and the duty of all persons to use due care.¹
- (B) The limits posted by the Illinois Department of Transportation on the streets and highways maintained by the Illinois Department of Transportation.
- (C) Fifteen (15) miles per hour on all alleys. (Ord. 89-18, 2-19-90)
- (D) Twenty (20) miles per hour while passing a school zone or while traveling on any thoroughfare on or across which children pass to and from school during school days and when school children are present. This Section shall not be applicable unless appropriate signs are posted on streets and highways under Village jurisdiction. Such signs shall give proper and due warning that a school zone is being approached and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present. Nothing in this Title shall prohibit the use of electronic speed detecting devices within five hundred feet (500') of signs within a special school speed zone indicating such zone, as defined in this Section, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding, providing the use of such devices shall apply only to the enforcement of the speed limit at such special speed zone.² In addition to all other streets where this subsection applies, it shall also apply to Illinois Street from Monroe to Jackson Street.
- (E) Twenty five (25) miles per hour on the following streets or highways:
1. Adams Street from South Plum Avenue to South First Avenue.
 2. Jefferson Street from South Plum Avenue to First Avenue.
 3. Main Street from Jackson Street to West Birchwood Street.
- (F) Thirty (30) miles per hour on all streets or highways within the Village limits, unless a different limit applies pursuant to this Section.
- (G) Thirty five (35) miles per hour on the following streets or highways:
1. West Birchwood Street from South Main Street to Detroit Avenue.
 2. West Courtland Street from North Morton Avenue to Veteran's Road.
 3. Detroit Avenue from West Jackson Street to a point one thousand five hundred feet (1,500') south of West Jackson Street and from West Birchwood Street to South Main Street.

¹ For Statute authority, see S.H.A. 625 ILCS 5/11-601(A).

² For Statute authority, see S.H.A. 625 ILCS 5/11-605.

CHAPTER 2
DEFINITIONS

SECTION:

10-2-1: Definitions

10-2-1: **DEFINITIONS:** Wherever anywhere in this Title any of the following terms are used, they shall have the meaning indicated hereafter in this Chapter.

ACCESSORY USE, ACCESSORY AREA, ACCESSORY BUILDING: A use customarily incidental and subordinate to the principal use, principal area or principal building and located on the same lot, parcel, or tract of land with said principal use, area, or building, and an accessory use, area, or building shall be deemed to constitute occupancy of that part of the lot, parcel, or tract of land so used or upon which the accessory building is located. Private garage shall not be considered an accessory use. A solar unit shall be considered an accessory use. A swimming pool shall be considered an accessory use. (Ord. 78-31, 3-5-79; amd. Ord. 83-4, 5-16-83; amd. Ord. 91-8, 7-15-91)

ALLEY: An alley is a public way not more than thirty feet (30') wide affording secondary access to abutting property.

ANIMAL HOSPITAL: An establishment for the treatment, and necessary boarding incidental thereto, of small animals such as dogs, cats, rabbits, and birds by a veterinarian.

APARTMENT: A room or suite of rooms with complete kitchen and sanitary facilities in a structure designed to accommodate two (2) or more such units.

AUTOMOBILE WRECKING YARD: Any place where one (1) or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for the wrecking or storing of such automobiles or the parts thereof. Any location for storage of motor vehicles awaiting repair for more than seven (7) consecutive days shall be considered an automobile wrecking yard.

BARKER: An individual, operating outside of a business's primary structure, who attempts to engage passersby through verbal, physical, or other contact in order to entice them into patronizing said business. (Ord. 07-31, 9-4-07)

BARKER SIGNS: Any temporary signs used to advertise a business or business event that are not affixed to any type of building or support structure, but are instead carried by an individual serving as a "barker" on behalf of the business entity. (Ord. 07-31, 9-4-07)

BED AND BREAKFAST ESTABLISHMENTS: An owner/operator occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms, each limited to two (2) transient adult guests per night, for rent, in operation for more than ten (10) nights in a twelve (12) month period. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or lodging houses. (Ord. 09-20, 8-3-09)

BOARDING OR LODGING HOUSE:	A building other than a hotel where meals or sleeping accommodations or both are provided for compensation for three (3), but not more than ten (10), persons.
BUILDING:	A building is any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure, or protection of persons, animals, or chattels.
BUILDING HEIGHT:	The vertical distance measured from the sidewalk level or its equivalent established grade to the highest point of the roof. Where buildings are set back from the building setback line, the height will be measured from the average elevation of the finished lot grade. (Ord. 78-31, 3-5-79; amd. Ord. 05-20, 9-6-05)
CLINIC:	An establishment, including the operation of a professional pharmacy, but excluding facilities for in-patient nursing care, where one (1) or more physicians and other medical professionals diagnose and treat human physical and/or mental ailments. (Ord. 79-39, 3-3-80)
COMMUNITY RESIDENCE:	A group home or specialized residential care home serving unrelated persons with disabilities which is licensed, certified, or accredited by appropriate local, State, or national bodies. This Ordinance shall not be construed to require a license, certification, or accreditation and same shall only be required where State or Federal law requires same. Community residence does not include a residence which serves persons as any alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse, or persons whose primary reason for placement is treatment for a communicable disease. (Ord. 89-19, 2-5-90)
CONSTRUCTION SIGNS:	A temporary sign, which includes those indicating construction or home improvement, or the offering of services such as lawn maintenance and landscaping, at a specific location at which they are located. (Ord. 07-31, 9-4-07)
COVERAGE:	The portion of the lot area covered by the building area.
CURB LEVEL:	The average elevation of the established curb of a street taken along the curb line between the points of intersection of the curb line and the lot lines. Where no curb has been established, the curb level shall be the average elevation of the land surface taken along the street right of way and the lot lines.
DAY CARE CENTER:	A child care facility receiving more than eight (8) children for care during all or part of a day. Day care centers are not to be construed as public or private school facilities. (Ord. 78-31, 3-5-79)

10-6-3: B-2 GENERAL BUSINESS DISTRICT:**(A) Permitted Uses:**

1. All uses permitted as a "permitted use" in the B-1 Professional Office District.
2. Banks, savings and loans, and other financial institutions.
3. Book and stationery stores.
4. Camera and photographic supply stores.
5. Candy and ice cream stores, including stores where commodities are produced on premises for sale exclusively on the premises.
6. Carpet and rug stores.
7. China and glassware stores.
8. Department stores.
9. Drugstores.
10. Dry cleaning and laundry pick-up stations.
11. Dry goods stores.
12. Electric and household appliance stores, including radio and television sales and repair.
13. Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.
14. Garden supply stores.
15. Gift shops.
16. Haberdashery.
17. Hardware stores.
18. Hobby shops for retail of items to be assembled or used away from the premises.
19. Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
20. Jewelry stores, including watch repair.
21. Laboratories, medical, and dental research and testing.
22. Laundromats and dry cleaning machines with not more than three (3) employees.
23. Leather goods and luggage stores.
24. Libraries and reading rooms.
25. Liquor, beer, and wine outlets.

26. Musical instruments, sales and repair facilities.
27. Office supply stores.
28. Paint and wallpaper stores.
29. Pet stores, but not including outdoor kennels or runways.
30. Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises.
31. Post offices.
32. Public meeting halls.
33. Restaurants, tea rooms, and taverns (but not drive-in restaurants where food is provided to customers in cars).
34. Sales and display rooms.
35. Shoe stores and shoe repair.
36. Sporting goods store.
37. Supermarkets and retail food stores.
38. Tailor or dressmaking shops.
39. Telegraph, telephone, or utility offices.
40. Temporary outdoor demonstrations and exhibitions of merchandise primarily for outdoor use.
41. Theaters (not drive-ins).
42. Toy shops.
43. Variety shops. (Ord. 78-31, 3-5-79)
44. Printing and publishing having not more than fifteen (15) employees other than office and maintenance employees. (Ord. 84-2, 6-18-84)
45. Bed and Breakfast Establishments. (amd Ord. 09-20, 8-3-09)

(B) Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title:

1. Any use permitted as a special use in the B-1 Professional Office District.
2. Automobile service stations and public garages, including new and used car sales rooms.
3. Bus depots and cab stands.
4. Drive-in restaurants where food is provided to customers in cars.
5. Frozen food stores, including locker rental in conjunction therewith.
6. Funeral homes, mortuaries, and crematories.

7. Radio and television broadcasting studios and transmitting towers.
8. Restricted production and repair, limited to the following: art, needlework, clothing, custom manufacturing, and alterations for retail only, jewelry from precious metals, watches, dentures, and optical lenses.
9. Service, cleaning, or repair shops for personal, household, or garden equipment.
10. Veterinarian or animal hospital without outdoor kennels or runways.
11. Food processing and retail sales.
12. Retail sale of automobile supplies and auto parts. (amd. Ord. 01-28, 11-5-01)
13. Restaurants, taverns, and similar establishments serving alcoholic liquors with an outdoor eating, drinking, or seating area. (amd. Ord. 08-44, 4-20-09)

(C) Required Yard Area: Every building hereafter erected or structurally enlarged shall provide the following yard requirements, except for lots of record which shall meet reduced requirements of Section 10-4-4, and except for those general exceptions to yard requirements as outlined in Section 10-4-3:

1. Front Yard: The front yard shall equal the building height but in no case less than twenty five feet (25'), except for new B-2 business development located within the defined area for which reduced landscaped yards are required in Section 10-4-3. New business uses within this area need to provide a front yard of only ten feet (10').
2. Side Yard: The side yard shall be a minimum of ten feet (10') for buildings of two and one-half (2 1/2) stories or less, unless an existing adjoining property provides no side yard, in which case the property need provide no side yard. Ten foot (10') side yard is minimum required side yard for buildings of two and one-half (2 1/2) stories or less where buildings are separated. For unattached building of more than two and one-half (2 1/2) stories, the side yard shall be increased five feet (5') for each story or portion of story above two and one-half (2 1/2) stories.
3. Rear Yard: The rear yard shall be not less than eight feet (8').
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
 - (a) Ornamental fences not exceeding six feet (6') in height are permitted within the front yard. Enclosure fences are not permitted in front yards.
 - (b) Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)

(D) Building Height: No building shall be erected or enlarged to exceed a height of two and one-half (2 1/2) stories or thirty five feet (35'), except for those general exceptions to height limitations listed in Section 10-4-3. Buildings of up to five (5) stories or seventy feet (70') in height may be permitted as a special use subject to the public hearing and other special permit requirements as outlined in Chapter 10 of this Title.

(E) Required Off-Street Parking And Loading: Required off-street parking and loading shall be provided as outlined in Chapter 8 of this Title. (Ord. 78-31, 3-5-79)

(F) Required Construction Area And Composition: A building which is erected or enlarged shall conform to the following:

1. It shall rest upon footing or foundation. This shall not be construed to prohibit pole buildings or post frame buildings if set in concrete.
2. It shall have sanitary facilities which comply with all other requirements of the Morton Municipal Code. This provision shall not apply to those buildings used exclusively for storage or warehousing.

(G) Interstate Corridor: In the event the property is located within an interstate corridor, then the required lot size, required yard area, and driveways and parking areas, shall be as set forth in Title 10, Chapter 4, Subsections 7(B) and (C). The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)

10-6-4: **B-3 HIGHWAY AND SERVICE COMMERCIAL DISTRICT:**

(A) Permitted Uses:

1. All uses permitted as a "permitted use" in the B-1 Professional Office District and in the B-2 General Business District.
2. All other retail stores, shops, and service establishments not permitted in the B-1 or B-2 Districts, including those uses specifically mentioned below and providing within enclosed buildings except as noted below, not however, to include uses involving any manufacturing or processing except as expressly permitted below.
3. Automobile supplies and auto parts.
4. Auto washing establishments.
5. Boat sales.
6. Bowling alleys.
7. Branch banks.
8. Catering establishments.
9. Clubs, lodges, fraternal and business organization meeting halls, and recreational facilities.
10. Drive-in food, refreshment, and other business establishments servicing customers in parked cars.
11. Dry cleaning and laundry establishments.
12. Earth moving and material handling indoor equipment displays and sales rooms.
13. Exterminating shops.
14. Farm supplies (not to include outdoor storage of farm equipment).
15. Feed stores.
16. Reserved for future use. (Ord. 99-35, 11-15-99)
17. Garages for repair and servicing of automobiles and trucks (but not to include outdoor storage other than vehicles awaiting repair or pick-up).
18. Machinery sales (not to include outdoor storage of machinery).

(O) The Village requires compliance with this subdivision ordinance as it pertains to streets, including curb and gutter and storm sewer, sidewalks, street lights and storm water detention, for all developments within the one and one-half (1.5) mile border of its corporate boundaries. (Ord. 09-14, 7-6-09)

11-4-3: **EASEMENTS:** Easements across lots for utilities, cable television, water course, drainage way, channel, or stream shall not be less than twelve feet (12') wide and shall be adjacent to or centered on lot lines. (Ord. 80-42, 4-6-81)

11-4-4: **BLOCKS:**

(A) The length, width, and shape of blocks shall be determined with regard to:

1. Provision of adequate building sites for the type of use contemplated.
2. Requirements as to lot size and dimensions.
3. Needs for convenient access circulation, control, and safety of street traffic.
4. Limitations and opportunities for topography.

(B) Block lengths shall not exceed one thousand three hundred twenty feet (1,320').

(C) In cases where the block length exceeds six hundred feet (600') and where deemed essential by the Plan Director to provide pedestrian circulation to schools, playgrounds, shopping centers, and other community facilities, an easement dedicated to the public for a pedestrian crosswalk not less than ten feet (10') wide shall be provided and a five foot (5') wide sidewalk constructed. (Ord. 80-42, 4-6-81)

11-4-5: **LOTS:**

(A) All provisions of the Village Zoning Ordinance concerning lots shall apply including lot area, width, and depth. No parcel, remainder, gore, outlot, or remnant of land which is part of the tract being subdivided shall be created which, by reason of lot width, depth, area, frontage, topography, or lack of access thereto, cannot be used as a zoning lot, or be subject to further subdivision in accordance with the terms of this Title. Any remaining parcel or outlot which cannot be made to comply with the foregoing shall be eliminated by combining the area thereof with one or more adjoining lots which do comply or by conveying same for the appropriate public use to a public body, subject to its acceptance of same.

(B) The lot shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(C) Double frontage lots shall be avoided except where essential to provide separation of residential development from major streets or to overcome specific disadvantages of topography and orientation.

(D) Side lot lines shall be substantially at right angles or radial to street lines. (Ord. 80-42, 4-6-81)

11-4-6: **PUBLIC SITES AND OPEN SPACES:** When a proposed park, playground, or school site is shown on the "Official Map", or in the opinion of the Plan Director is necessary for the public welfare, the Plan Director may require the reservation of the appropriate area as specified in Section 11-1-11. (Ord. 80-42, 4-6-81)

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 205 - October 2009
Includes Ordinances: 09-24, 09-25, 09-26, 09-27, 09-29

REMOVE PAGES HEADED

INSERT PAGES HEADED

TITLE 5:

5-1-15 (F) Upon the death...

5-1-15 (F) Upon the death...

TITLE 8:

8-3-9.2 Class Designation
(And the following page)

8-3-9.2 Class Designation
(And the following page)

8-13-1 CHAPTER 13
BASIC ANNEXATION FEES

8-13-1 CHAPTER 13
BASIC ANNEXATION FEES

TITLE 9:

9-2-13 TEMPORARY NO-PARKING..

9-2-13 TEMPORARY NO-PARKING..

TITLE 10:

10-5-4 (F) Zero Lot Line Duplex:
(And the rest of Chapter 5)

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(And the rest of Chapter 5)

ALPHABETICAL INDEX

-A- ABANDONED, LOST, STOLEN...

-A- ABANDONED, LOST, STOLEN...

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PREFACE

This volume of the Village Code of the Village of Morton, as supplemented, contains ordinances up to and including ordinances:

09-24, September 8, 2009
09-25, September 21, 2009
09-26, October 5, 2009
09-27, October 5, 2009
09-29, October 19, 2009

Ordinances of the Village adopted after said ordinances supersede the provisions of this Village Code to the extent that they are in conflict or inconsistent therewith. Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.

- (F) Upon the death of a member receiving a pension, and who has not received his pension for one hundred twenty (120) months, his widow, or if no widow, his dependents, if any, shall continue to receive his same monthly payment until a total of one hundred twenty (120) payments have been made since his retirement.
- (G) The Board of Trustees of the Village shall annually, unless more frequently found to be necessary, transfer from any fund available, money sufficient to meet the requirements of this Section, to the Morton Volunteer Fire Department Pension Fund theretofore established in December, 1973, and hereby ratified, the receipts and disbursements of which shall be made in the name of said Fund by the Morton Village Treasurer.
- (H) There is hereby established a three (3) member Board of Trustees of the Morton Volunteer Fire Department Pension Fund of the Village, who shall be composed of the Fire Chief, the chairman of the Fire Committee of the Morton Village Board, and a member of the Morton Volunteer Fire Department who is elected annually by the at-large membership of said Fire Department.
- (I) Any member who is unable to actively perform his duties on the Morton Volunteer Fire Department because he is engaged in other duties for the Village, such as Mayor or Trustee, or in active military service of the United States of America, shall be given credit for each year the same as if he were in active service with the Fire Department.
- (J) In the event that the Foreign Fire Insurance Board elects not to contribute all the funds it receives in any year, which were collected as a result of the foreign fire insurance tax, to the Volunteer Fireman Pension Fund, then for the ensuing year commencing the next January 1, the monthly pension shall be reduced to two dollars (\$2.00) per month. (Ord. 80-44, 4-6-81; amd. Ord. 03-16, 8-18-03; amd. Ord. 03-09, 7-21-03)

5-1-16: **FOREIGN FIRE INSURANCE BOARD:** There is hereby created a Foreign Fire Insurance Board. The Board shall consist of seven (7) trustees, made up of the Fire Chief and six (6) members who shall be elected at-large by the sworn members of the Fire Department. The election shall take place annually. (amd. Ord. 01-35, 12-17-01; amd. Ord. 09-25, 9-21-09)

<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 13

BASIC ANNEXATION FEES

SECTION:

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

8-13-1: **PURPOSE:** It is appropriate to provide for a basic annexation fee for property that is annexed.

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

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.
(Ord. 09-26, 10-5-09)

9-2-13: **TEMPORARY NO-PARKING AND YIELD/STOP INTERSECTIONS:** In the event that the normal traffic pattern on a street or streets is disrupted because of construction, disaster, community event approved by the Board of Trustees, or other emergency, then upon the direction of the Superintendent of Public Works or the Chief of Police, the following action may be taken:

- (A) For any affected street, the yield or stop signs at its intersections may be temporarily changed in such manner as is required to alleviate, to the extent possible, traffic hazards or congestion on the affected streets.
- (B) No-parking areas or parking limitations may be designated on the affected streets.
- (C) These temporary changes shall remain in effect until the conditions which necessitated the change no longer exist or unless changed by action of the President and Board of Trustees as provided in this Section. The Village shall appropriately identify any affected intersections or no-parking areas by posting signs.
- (D) The Superintendent of Public Works or the Chief of Police shall advise the President and Board of Trustees at their next regularly scheduled meeting of any changes made pursuant to this Ordinance.
- (E) At said meeting the President and Board of Trustees shall have the right to modify any changes reported by the Superintendent or the Chief of Police. If no action is taken said changes shall remain in effect until such time as the conditions which warranted same no longer exist. (Ord. 88-32, 4-17-89; amd. Ord. 09-27, 10-5-09)

- (F) Zero Lot Line Duplex: A duplex of which both dwelling units may be sold separately if:
1. At the time the dwelling units are severed from common ownership, the owner or owners of the two (2) dwelling units have signed an agreement to run with the land, in a form adequate to ensure access for maintenance and providing for maintenance of the walls and driveways or a set of covenants and restrictions are in place to provide for said maintenance. Nothing in this subsection shall be interpreted as permitting the construction of any adjacent buildings using only one wall for both buildings; each building shall have its own wall. The provision with respect to the wall(s) shall apply only to buildings constructed after March 1, 1997.
 2. A resubdivision plat dividing the lot has been approved by the Village Plat Officer prior to recording. A formal subdivision procedure shall not be required.
 3. The duplex otherwise complies with the requirements of the Zoning Code, as amended from time to time. The subdivided lot shall be considered as one lot for purposes of all other provisions of the Zoning Code. A variance for yard requirements may be requested in the same manner as other variances. (Ord. 96-38, 3-17-97; amd. Ord. 03-38, 1-19-04)
- (G) R-2 Lot Conversion: For lots that are initially zoned R-2 as of September 1, 2009 and which have been platted, these lots may be subdivided into two (2) lots subject to the following:
1. Initial lot width must be at least one hundred twenty feet (120') and a subdivided lot must have a minimum width of sixty feet (60') at the building set back line.
 2. The side setbacks may be reduced to a minimum of six feet (6'). Front and rear yard setbacks shall not be reduced.
 3. No more than fifty percent (50%) of the platted lots in any subdivision may be subdivided.
 4. A new plat of the subdivided lots shall be provided, and it shall be in conformity with all Village ordinances. The Plan Director may approve the plat without submission to the Plan Commission or Village Board.
 5. The following size provisions shall apply to any residential unit built on a subdivided lot.
 - (a) The living space shall be one thousand two hundred (1,200) square feet for a one-story.
 - (b) The living space shall be one thousand five hundred (1,500) square feet with a minimum one thousand (1,000) square feet on the main floor and five hundred (500) square feet on the second floor for a story and one-half.
 - (c) The living space shall be a minimum square footage of one thousand eight hundred (1,800) with nine hundred (900) square feet on each floor for a two-story.

The square footage shall mean living space and excludes the garage. (Ord. 09-24, 9-8-09)

10-5-5: **R-3 THREE OR FOUR-FAMILY AND PLANNED RESIDENTIAL DEVELOPMENT DISTRICT:**

- (A) Permitted Uses:
1. Any use permitted as a "permitted use" in the R-1 One-Family and Planned Residential Development District and in the R-2 Two-Family and Planned Residential Development District.
 2. Three (3) or four (4)-family dwellings.

- (B) Special Uses: The following are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title:
1. Any use permitted as a "special use" in the R-1 One-Family and Planned Residential Development District and in the R-2 Two-Family and Planned Residential Development District.
 2. Boarding houses or lodging houses.
 3. Public buildings such as art galleries and libraries.
 4. Membership clubs and lodges not primarily oriented to services normally carried on as a business or primarily for gain and including dining facilities for the exclusive use of members.
- (C) Required Lot Area And Lot Width: Except for planned residential developments which shall meet the requirements of Section 10-5-8 of this Chapter and for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title, the following lot area requirements shall apply:
1. Every interior lot three (3) or four (4)-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred feet (100') and a minimum lot area of thirteen thousand two hundred (13,200) square feet.
 2. Every corner lot three (3) or four (4)-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred twenty feet (120') and a minimum lot area of fifteen thousand eight hundred forty (15,840) square feet.
 3. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size.
(amd. Ord. 06-19, 7-10-06)
- (D) Required Yard Area: Every building hereafter erected or structurally enlarged shall provide or maintain the following minimum yard requirements, except for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title, and except for those general exceptions to yard requirements as outlined in Section 10-4-3 of this Title:
1. Front Yard: No building shall be erected without providing or maintaining a front yard of thirty-five feet (35') unless the depth of the lot is less than one hundred thirty-five feet (135'), in which case the front yard shall be no less than twenty-five feet (25'). In the event the building is constructed in an established area on one side of the street between two (2) intersecting streets that is improved with buildings that have observed a front yard depth which is less than the thirty-five feet (35') or twenty-five feet (25') requirement, then in such established districts, the front yard depth may be the same as, but not less than, the building immediately adjacent to either side of the proposed building.
 2. Side Yard: No building shall be erected without providing or maintaining combined side yards of twenty feet (20'), and a minimum individual side yard of seven feet (7') for buildings or structures up to twenty feet (20') in height. Buildings or structures over twenty feet (20') in height to thirty-five feet (35') in height shall require a minimum individual side yard of fifteen feet (15').
 3. Rear Yard: No building shall be erected without providing or maintaining a rear yard of twenty-five feet (25').

4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.

(a) Front Yard Fences:

- (1) Front Yard Fences on Interior Residential Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted within the front yard. Enclosure fences are not permitted in front yards of interior lots.
- (2) Front Yard Fences on Corner Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted in either front yard. An enclosure fence not exceeding six feet (6') in height is permitted in that front yard which the building does not face, providing such front yard enclosure fence is set back from the property line one-half (1/2) the required front yard distance for that district or ten feet (10'), whichever is greater. It is further required that fences respect obstruction to visibility requirements of 10-4-3(l).

- (b) Side and Rear Yard Fences: Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)

- (E) Building Height: No building or structure hereafter erected or structurally enlarged shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height, except for those general exceptions to height limitations as outlined in Section 10-4-3 of this Title. Buildings exceeding thirty-five feet (35') in height may be permitted as a special use subject to public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title. (Ord. 03-44, 03-15-04)

10-5-6: **R-4 MULTI-FAMILY AND PLANNED RESIDENTIAL DEVELOPMENT DISTRICT:**

(A) Permitted Uses:

1. Any use permitted as a "permitted use" in the R-1 One-Family and Planned Residential Development District, in the R-2 Two-Family and Planned Residential Development District, and in the R-3 Three or Four-Family and Planned Residential Development District.
2. Multi-family dwellings and apartments.

- (B) Special Uses: Any use permitted as a "special use" in the R-1 One-Family and Planned Residential Development District, in the R-2 Two-Family and Planned Residential Development District, and in the R-3 Three or Four-Family and Planned Residential Development District.

- (C) Required Lot Area and Lot Width: Except for planned residential developments which shall meet the requirements of Section 10-5-8 of this Chapter and for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title, the following lot area requirements shall apply:

1. Every interior lot multi-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred feet (100') and a minimum lot area of the greater of: a) thirteen thousand two hundred (13,200) square feet, or b) two thousand two hundred (2,200) square feet per dwelling unit.

2. Every corner lot multi-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred twenty feet (120') and a minimum lot area of the greater of a) fifteen thousand eight hundred forty (15,840) square feet, or b) two thousand two hundred (2,200) square feet per dwelling unit.
3. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size. (amd. Ord. 06-19, 7-10-06)

(D) Required Yard Area: Every building hereafter erected or structurally enlarged shall provide or maintain the following minimum yard requirements, except for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title, and except for those general exceptions to yard requirements as outlined in Section 10-4-3 of this Title:

1. Front Yard: No building shall be erected without providing or maintaining a front yard of thirty-five feet (35') unless the depth of the lot is less than one hundred thirty-five feet (135'), in which case the front yard shall be no less than twenty-five feet (25'). In the event the building is constructed in an established area on one side of the street between two (2) intersecting streets that is improved with buildings that have observed a front yard depth which is less than the thirty-five feet (35') or twenty-five feet (25') requirement, then in such established districts, the front yard depth may be the same as, but not less than, the building immediately adjacent to either side of the proposed building.
2. Side Yard: No building shall be erected without providing or maintaining combined side yards of twenty feet (20'), and a minimum individual side yard of seven feet (7') for buildings or structures up to twenty feet (20') in height. Buildings or structures over twenty feet (20') in height up to forty-five feet (45') in height shall require a minimum individual side yard of fifteen feet (15').
3. Rear Yard: No building shall be erected without providing or maintaining a rear yard of twenty-five feet (25').
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.

(a) Front Yard Fences:

- (1) Front Yard Fences on Interior Residential Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted within the front yard. Enclosure fences are not permitted in front yards of interior lots.
- (2) Front Yard Fences on Corner Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted in either front yard. An enclosure fence not exceeding six feet (6') in height is permitted in that front yard which the building does not face, providing such front yard enclosure fence is set back from the property line one-half (1/2) the required front yard distance for that district or ten feet (10'), whichever is greater. It is further required that fences respect obstruction to visibility requirements of 10-4-3(l).

(b) Side and Rear Yard Fences: Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)

- (E) Building Height: No building or structure hereafter erected or structurally enlarged shall exceed three and one-half (3 1/2) stories or forty-five feet (45') in height, except for those general exceptions to height limitations as outlined in Section 10-4-3 of this Title. Buildings exceeding forty-five feet (45') in height may be permitted as a special use subject to public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title. (Ord. 03-44, 03-15-04)

10-5-7: **MH MOBILE HOME DISTRICT:**

- (A) Permitted Uses: Manufactured homes and mobile home courts meeting the following requirements: (Ord. 78-31, 3-5-79; amd. Ord. 82-8, 8-2-82; amd. Ord. 98-45, 3-15-99; 03-44, 03-15-04)

1. Frost protected connections to the Municipal water and sewer facilities and stormwater drainage, all approved by the Village Engineer;
2. Electrical outlets and ground connections, all approved by the Village Engineer;
3. Black top or concrete surface driveway not less than eighteen feet (18') in width providing access to each site and one (1) parking space for each site in addition to the driveway;
4. A minimum individual mobile home site size of not less than five thousand (5,000) square feet, and a width of not less than fifty feet (50'); and
5. Each mobile home to be accommodated is equipped with sanitary facilities and connected to Village sanitary system.

- (B) Required Lot Area: Each mobile home court shall have an area of not less than ten (10) acres and an average density of mobile home lots of not more than eight (8) per acre.

- (C) Yards Required: All mobile home courts shall provide lots sufficient to maintain the following minimum requirements:

1. No mobile home or any structure, addition, or appurtenance thereto is located less than ten feet (10') from the nearest adjacent lot boundary line.
2. Space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least ten feet (10') from the nearest adjacent lot.

- (D) All mobile home courts shall be screened from public view by landscape screening as defined in Section 10-2-1 of this Title before a permit for occupancy is issued.

10-5-8: **PLANNED RESIDENTIAL DEVELOPMENTS:**

- (A) Purpose: The Village of Morton, being confronted with increased urbanization and acknowledging that the technology of land development and demand for housing are undergoing substantial changes, establishes the planned residential development procedure for the following purposes, except as provided in subparagraph O: (amd. 03-44, 03-15-04; amd. Ord. 07-38, 10-01-07)

1. To encourage innovations in residential development so that the demands for housing may be met by greater variety in type, design, and arrangement of dwellings and conservation space.
2. To encourage types of housing developments providing greater opportunities for better housing and recreation to all citizens of the Village.

3. To provide a procedure which can relate the type, design, and layout of residential development to the particular site and the particular demand for housing at the time of development in a manner consistent with the preservation of the property values in the residential districts.
4. To provide variety and flexibility in land development necessary to meet changes in technology and demand, consistent with the best interests of the Village.
5. To provide for more efficient allocation and maintenance of open space subordinate to new residential development through private initiative.
6. To provide for the more efficient use of those public facilities required in connection with new residential development.

(B) Planned Residential Development Definitions, except as provided in subparagraph O: (amd. Ord. 07-38, 10-01-07)

PLANNED RESIDENTIAL DEVELOPMENT A “planned residential development” shall mean an area of land controlled by a single landowner to be developed as a single entity for a number of dwelling units and permanent open space to meet the stated purpose of this Section, the plan for which does not conform in lot size, bulk, type of dwelling, density, lot coverage, or required open space in any one residential district established by any other chapter of this Title.

LANDOWNER The term 'landowner” shall mean the legal or beneficial owner or owners of all the land proposed to be included in a planned residential development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or other persons having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purpose of this Section of the Zoning Ordinance.

COMMON OPEN SPACE “Common open space” shall mean a specific parcel or area of the site in usable size and configuration, and well located in relation to other aspects of the site development plan, to accommodate permanent green space and/or recreation facilities for the common use and enjoyment of the residents. The Plan Commission, in its review, shall determine the appropriateness of the site or sites to be set aside for common open space in relation to the uses for which proposed. The common open space shall be in addition to open site area owned and utilized in common for building setting, walks, drives, etc., which is not in most instances in usable shape and configuration for recreational uses. (Ord. 78-31, 3-5-79)

(C) Minimum Area For Planned Residential Development: No Planned Residential Development shall be permitted for a property smaller than three and one-half (3.5) acres. For developments from three and one-half (3.5) acres to less than five (5) acres, the additional provisions of subparagraph (O) shall apply. (Ord. 92-11, 8-17-92; amd. Ord. 07-38, 10-01-07)

(D) Standards And Criteria Of Common Open Space: A plan that is not inconsistent with 1) the foregoing statement of purpose of planned residential developments; 2) the general standard as set out hereafter; or 3) the specific rules and regulations for planned residential development approval then in force, shall be deemed to be eligible for review for tentative approval, except as provided in subparagraph O. (amd. Ord. 07-38, 10-01-07)

A plan shall be consistent with the following general standards for use of land, and the use, type, bulk, design, and location of building, the density or intensity of use, the common open space, the public facilities, and the development by geographic division of the site:

1. Variety Of Housing Types Allowed: Regardless of the residential district in which it is located, the plan may provide for a variety of housing types.
2. Maximum Building Coverage: The total ground area occupied by buildings and structures shall not exceed forty percent (40%) of the ground area of the planned residential development.
3. Height Of Buildings: Height of buildings shall not be a basis for denial or approval of any plan, provided any structures in excess of thirty five feet (35') shall be designed and platted to be consistent with the reasonable enjoyment of neighboring property.
4. Architectural Style: Architectural style of buildings shall not be a basis for denial or approval of a plan.
5. Non-Residential Uses: Non-residential uses of a religious, educational, or recreational nature may be incorporated in the proposed plan.
6. Allowable Dwelling Units:
 - (a) Plans Not Increasing Dwelling Units: Any plan that does not propose to increase the number of dwelling units on the particular tract than would otherwise be allowed under the appropriate zoning district(s) in which the tract is included, shall not be disapproved insofar as intensity of use or number of dwelling units is concerned.
 - (b) Plans Increasing Dwelling Units: In all residential districts, except the R-3 Districts, a plan may provide for a greater number of dwelling units on the particular tract than would otherwise be allowed under the appropriate zoning district(s) in which the tract is included, but if the number of dwelling units exceeds by more than thirty percent (30%) that permitted by the regulations otherwise applicable to the site, the landowner shall have the burden to show that such excess will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The Plan Commission, in determining the reasonableness of any further increase in the number of dwelling units over the allowable thirty percent (30%) increase, shall recognize that increased density may be compensated for by additional amenities in the site development, amount and proposed use, and the type of development and improvement to be provided the common open space, and location, design and type of dwelling units, and the nature and type of walks, bikeways and site landscaping to be carried out. In no case, however, shall the increased number of dwelling units exceed forty percent (40%) of the number that would be allowed on that particular tract under the appropriate zoning regulations.
 - (c) Computing Allowable Dwelling Densities: For purposes of estimating allowable numbers of dwellings under the appropriate zoning districts, or the extent by which that number can be increased through planned residential development, the following shall be the basis which shall rule to determine number of dwelling units/gross acres of land. These factors shall be applied to total project acreage in the appropriate zone less the acreage for proposed major or collector streets:

Existing Zoning	D./Acre Existing Zoning	30% Increase D./Acre	40% Increase D./Acre
R-S	1.0	1.3	1.4
R-1	4.6	6.0	6.4
R-2	6.8	8.9	9.5
R-3	17.3	- - - Increases Not Permitted- - -	

(Ord. 78-31, 3-5-79)

- (E) Amount And Location Of Common Open Space: In each planned residential development, fifteen percent (15%) of the tract, but in no case less than one and one-half (1 1/2) acres, shall be provided for common open space, except as provided in subparagraph O. (Ord. 92-11, 8-17-92; amd. Ord. 07-38, 10-01-07)
- (F) Plan To Be Guaranteed By Covenants And Easements: The plan of the planned residential development may be accompanied by such proposed covenants, easements, and other provisions relating to the bulk, location, and density of the residential units, the provision of open space and public facilities as are necessary for the welfare of the planned residential development and not inconsistent with the best interests of the community.
- (G) Subdivision Regulations May Be Varied In A Planned Residential Development: The planned residential development may vary from the required standards for the arrangement and width of streets (but not quality of construction), provision and location of sidewalks and layout of parking areas (but not reduced requirement of parking spaces) and deviation from Village standards in street signs, street lighting, and other such improvements to comply with the character of the proposed development where it is found by the Planning Commission that adherence to such standards are not in the best interests of the residents of the planned residential development and that the modifications or variation from such regulations are not inconsistent with the best interests of the Village.¹
- (H) Application For Tentative Approval Of Planned Residential Development:
1. Plan Commission May Establish Additional Rules For Review Of Planned Residential Developments: The Plan Commission may make such additional written general rules regarding general procedure and form of applications as it may determine, provided they are not inconsistent herewith.
 2. Filing Fee For Tentative Planned Residential Development Approval: The application for tentative approval shall be executed by or on behalf of the landowner and filed in duplicate with the Zoning Enforcing Officer accompanied by the appropriate filing fee payable to the Village of Morton. Said filing fee shall be used to partially defray the cost of the public hearing and any professional assistance utilized by the community in the review of the proposed project.²
 3. The Application For Tentative Approval Of A Planned Residential Development Shall Be Accompanied By The Following Materials:
 - (a) A boundary survey including a written legal description of the exact acreage for which the planned residential development is being proposed. Such map shall be at a scale of not smaller than two hundred feet to the inch (1" = 200') and prepared by a registered land surveyor or civil engineer.
 - (b) Topography and physical conditions map including two foot (2') contours, vegetation, drainage channels, unusable area due to soil conditions, drainage, etc., at a scale of not smaller than two hundred feet to the inch (1" = 200').
 - (c) A preliminary plan for the proposed project indicating: 1) the various major areas of the project for which varying types and densities of dwellings are proposed; 2) any proposed major traffic-carrying streets within the project area; 3) sites to be reserved for public open space, schools, parks, playgrounds, and churches; and 4) indication of directions of flow of storm drainage within, and at the points leaving the site and likely nearest connections to public sewer and water.

¹ Title 11 of the Morton Municipal Code.

² Section 10-11-9 of this Title.

(d) A written report stating in detail the developer's intention in regard to development of the site including: 1) a written description of the type and number of dwelling units contemplated and the method of computing maximum allowable units; 2) projected resultant population; 3) expected number of elementary school children; 4) for projects for which development will occur over a period of years, a schedule showing the sequence of phases and the point in this phase-by-phase development progression at which common open space will be developed and committed to permanent open space use; and 5) a listing of the modifications to the existing zoning and subdivision standards otherwise applicable to the site.

4. When the required application for tentative approval of a planned residential development has been filed with the Zoning Enforcing Officer, he shall transmit the material to the Plan Commission for their review. Applications filed less than ten (10) days prior to the next regular meeting of the Plan Commission may be held over to the next regular meeting of the Plan Commission.

(l) Plan Commission Tentative Approval Of Planned Residential Development: The Plan Commission shall review the proposed planned residential development, as outlined in the application materials, to determine the following:

1. All applicable provisions of this planned residential section of the Morton Zoning Ordinance have been met. Where there is any conflict of the planned development regulations with any other requirements of this Ordinance or the Subdivision Ordinance,¹ these regulations shall apply.
2. Road system and proposed method of disposing of sanitary sewage and storm drainage, and the provision of water supply are adequate.
3. Adequate provision has been made for open space areas, walkways, and parking areas.
4. The location of open space is well suited to the development and the open space or recreational uses it is to serve.
5. The applicant has indicated the method to be used to assure those areas shown on the plan will be irrevocably committed for the purpose that continuing maintenance will be assured by the method of ownership.
6. Adequate provisions will be made to guarantee the proposed development of the open space.
7. The cost of installing streets and utilities will be assured by a means satisfactory to the Village.

The Plan Commission may consult with appropriate Village personnel including the Village Engineer and the Department of Public Works in reaching these determinations. Upon finding that the above conditions have been satisfactorily met, the Plan Commission will schedule a public hearing on the planned residential development.

¹ Title 11 of the Morton Municipal Code.

(J) Plan Commission Public Hearing On Planned Residential Development: The Plan Commission shall hold a public hearing on the proposed planned residential development and provide public notice in the manner provided by law. The public notice shall state the location of the proposed project, the acreage, and number of dwelling units of varying types requested in the proposal. The hearing shall be conducted and a record of the proceedings preserved in the manner as from time to time prescribed by the Commission. Where additional information is required or additional opportunity needed for description of the project or response by Village personnel or interested citizens, the Plan Commission, by official action, may continue the hearing to the time and place of the next Planning Commission meeting.

(K) Findings Of Fact Of Plan Commission After Hearing: The Plan Commission shall, within forty five (45) days following the conclusion of the public hearing, either: 1) make recommendation to the Village Board to grant tentative approval; 2) grant tentative approval subject to any specified conditions not included in the plan as submitted; or 3) deny tentative approval to the plan. Failure of the Plan Commission to act within said period shall be deemed to be a recommendation for tentative approval of the plan as submitted.

The recommendation of the Plan Commission for the grant or denial of tentative approval shall be in the form of an adopted action which shall include findings of fact and shall set forth the reasons for the recommendation for the grant or denial, specifying with particularity in what respects the plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:

1. In what respects the plan is or is not consistent with the Statement of Purpose for planned residential development;
2. The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk, and use, and the reasons why such departures are or are not deemed to be in the public interest;
3. The nature and extent of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and function of the open space in terms of the densities and dwelling types proposed in the plan;
4. The arrangement of uses within the development and the manner in which said plan does or does not make adequate provision for public services, provide adequate control over vehicular traffic, or further the amenities of light and air, recreation, and visual enjoyment;
5. The relationship, beneficial or adverse, of the proposed planned residential development upon the neighborhood in which it is proposed to be established; and
6. In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect the interests of the public and the residents of the planned residential development in the integrity of the plan.

(L) Action Of Village Board On Tentative Approval: The Village Board shall not act upon a request for tentative approval for a planned residential development until it shall have received a written report and recommendation from the Plan Commission, providing that no action by the Planning Commission within forty five (45) days shall be deemed to be a favorable recommendation of the Commission. If the Village Board shall determine to grant tentative approval of the planned residential development, it shall do so by a resolution so stating. In the event tentative approval is granted subject to conditions, the applicant may, within thirty (30) days after receiving a copy of the action of the Village, notify the Village Board of his refusal to accept all said conditions, in which case the Village Board shall be deemed to have denied tentative approval of the plan. In the event the applicant does not notify the Village Board within said period of his refusal to accept all said conditions, tentative approval of the plan, with conditions, shall stand as granted.

(M) Status Of Plan After Tentative Approval:

1. Within ten (10) days after the action of the Village Board giving tentative approval to the proposed planned residential development, a copy of that action (or of the minutes containing that action) shall be certified by the Village Clerk and placed on file in the office of the Village Clerk. A certified copy of that action shall be mailed to the applicant.
2. Tentative approval of a plan shall not qualify a plat of the planned residential development for recording. A plan which has been given tentative approval as submitted or which has been given tentative approval with conditions which have been accepted by the applicant (and provided that the applicant has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Village pending an application or applications for final approval, without the consent of the applicant, provided an application for final approval is filed, or in the case of staged developments, provided applications are filed, within any time limit specified in these regulations.
3. In the event that a plan is given tentative approval and thereafter, but prior to final approval, the applicant shall choose to abandon said plan and shall so notify the Plan Commission in writing, or shall fail to file application or applications for final approval within the required period time, the tentative approval shall be deemed to be revoked and all that portion of the area included in the plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto, and the same shall be noted on the Zoning Map in the office of the Zoning Enforcing Officer, and in the records of the Village Clerk.

(N) Final Plan/Final Plats:

1. An application for final approval may be filed for all the land included in a plan or for a section thereof. Said application for the initial section shall be filed with the Zoning Enforcing Officer within twelve (12) months of the date of tentative approval; final application for all sections must be filed within five (5) years of date of tentative approval. The application shall include such drawings, specifications, covenants, easements, and conditions and form of bond as currently required by the Village. In accordance with the schedule proposed in the application for tentative approval, the applicant may elect to have final approval of only a geographic section or sections of the land included in the plan and may delay, within the above time limits, applications for final approval of other sections. A public hearing on an application for final approval of the plan or section thereof by the Plan Commission shall not be required by ordinance, provided the plan, or the section thereof, submitted for final approval is in substantial compliance with the plan theretofore given tentative approval.

2. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval provided any modification by the applicant of the plan as tentatively approved does not:
 - (a) Substantially vary the arrangement of area of varying dwelling types or densities;
 - (b) Substantially vary the location of collector roads or the points of ingress or egress of such roads at the boundaries of the site; or substantially vary the street widths of such roads;
 - (c) Vary the proposed gross residential density or intensity of use by more than five percent (5%) of the tentative plan, but not to exceed the maximum;
 - (d) Involve a reduction of the area set aside for common open space or substantially change the location or configuration of such open space.

A public hearing shall not be held to consider modifications in the location and design of facilities for water and for disposal of storm water and sanitary sewerage.

3. Although a public hearing shall not be held on an application for final approval of a plan when said plans as submitted for final approval is in substantial compliance with the plan as tentatively approved, the burden shall nevertheless be upon the applicant to show the Plan Commission good cause for any variation between the plan as tentatively approved and the plan as submitted for final approval. In the event a public hearing is not required for final approval, and the application for final approval has been filed together with all drawings, specifications, and other documents in support thereof, and as required by the resolution of tentative approval, the Plan Commission shall, within forty five (45) days of such filing, grant such plan final approval; provided, however, that, in the event the plan as submitted contains variations from the plan given tentative approval but remains in substantial compliance with the plan as submitted for tentative approval, the Plan Commission may, after a meeting with the applicant, refuse to grant final approval and shall, within forty five (45) days from the filing of the application for final approval so advise the applicant in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the applicant may refile his application for final approval without the variations objected to by the Plan Commission at any time within which he shall be entitled to apply for final approval, or within forty five (45) additional days if the time for applying for final approval shall have already passed at the time when the Plan Commission advised the applicant that the variations were not in the public interest. If the applicant shall fail to refile within said period, he shall be deemed to have refused to accept such requirements and final approval shall be deemed to have been denied.

4. In the event the plan as submitted for final approval is not in substantial compliance with the plan as given tentative approval, as provided in Paragraph 2 of this Subsection (H), the Plan Commission shall, within forty five (45) days of the date the application for final approval is filed, so notify the applicant in writing, setting forth the particular ways in which the plan is not in substantial compliance. The applicant may either refile his plan in a form which is in substantial compliance with the plan as tentatively approved, or he shall file a written request with the Plan Commission that it hold a public hearing on his application for final approval. If the applicant wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within forty five (45) additional days if the time for applying for final approval shall have already passed at the time when the Plan Commission advised the applicant that the plan was not in substantial compliance. In the event the applicant shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the plan. Any such public hearing shall be held within forty five (45) days after request for the hearing is made by the applicant and notice thereof shall be given in the manner prescribed by law. Within forty five (45) days after the conclusion of the hearing, the Plan Commission shall, by resolution, either grant final approval to the plan or deny final approval to the plan.
5. Before final approval is granted by the Plan Commission, prior approval of the construction drawings for the public improvements must be obtained from the Department of Public Works.
6. A plan, or any section thereof, that has been given final approval by the Plan Commission shall note the approval of the Plan Commission and the certification of the Village Clerk and shall be filed of record forthwith in the office of the County Recorder before any development shall take place in accordance therewith.

Final plats required for recording shall contain such information as outlined for final plats in the Subdivision Ordinance of the Village.¹ Where separate final plans and final plats are to be recorded, both shall be approved by the Plan Commission and certified by the Village Clerk. (Ord. 78-31, 3-5-79)

(O) Planned Residential Development 2:

All provisions that apply to planned residential districts greater than five (5) acres shall apply to developments the size of three and one-half (3.5) acres but less than five (5) acres, except the following provisions shall apply:

1. Development must be in a district zoned R-1 or R-2.
2. The maximum lot coverage shall not exceed eighty percent (80%) of the ground area of the planned residential development.
3. No building shall be of a height in excess of two (2) stories.
4. Attached garages are required for all units.
5. No exterior stairways are permitted.
6. All balconies must face to the interior of the property.
7. Fifteen percent (15%) of the tract shall be provided for common open space. (Ord. 07-38, 10-01-07)

¹ See Title 11 of the Morton Municipal Code.

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Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 206 - November 2009
Includes Ordinances: 01-09

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TITLE 5:

5-1-1 CHAPTER 1
FIRE DEPARTMENT

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INSERT PAGES HEADED

5-1-1 CHAPTER 1
FIRE DEPARTMENT

9-6-9 LOADING/UNLOADING ZONE

PREFACE

This volume of the Village Code of the Village of Morton, as supplemented, contains ordinances up to and including ordinances:

01-09, July 16, 2001
(In Code - Nov. 2009)

Ordinances of the Village adopted after said ordinances supersede the provisions of this Village Code to the extent that they are in conflict or inconsistent therewith. Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.

CHAPTER 1
FIRE DEPARTMENT

SECTION:

- 5-1-1: Creation Of Department
- 5-1-2: Officers; Compensation
- 5-1-3: Director Of Fire And Emergency Services
- 5-1-4: Duties Of Director Of Fire And Emergency Services
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- 5-1-7: Firefighter; Compensation
- 5-1-8: Bond Of Secretary-Treasurer
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- 5-1-11: Qualifications
- 5-1-12: Retirement
- 5-1-13: Hindering Officers
- 5-1-14: Property Saved At Fire
- 5-1-15: Volunteer Firefighter Pension Fund
- 5-1-16: Foreign Fire Insurance Board

5-1-1: **CREATION OF DEPARTMENT:** There is hereby created a Fire Department to be known as the Morton Volunteer Fire Department. The Fire Department shall consist of a Director of Fire and Emergency Services (Fire Chief), one (1) Deputy Fire Chief, two (2) Assistant Fire Chiefs, four (4) Captains, firefighters, Engineers, a President, a Vice President, and a Secretary-Treasurer. (Ord. 122, 3-5-56; amd. Ord. 93-4, 5-17-93; amd. Ord. 94-2, 5-2-94; amd. Ord. 03-09, 7-21-03)

5-1-2: **OFFICERS; COMPENSATION:** There are hereby created the following offices, each to be filled by a member of said Fire Department as may be appointed by the Fire Chief or elected by majority vote of the members as indicated below, and each member serving in each office to receive an annual rate of compensation as set across from each office, in addition to their firefighter pay, as follows:

President (elected)	\$125.00
Vice President (elected)	\$50.00
Secretary-Treasurer (elected)	\$300.00
Deputy Chief (appointed)	\$1,800.00
Assistant Chiefs (2) (appointed)	\$1,200.00 each
Captains (4)	\$500.00 each

The above compensation shall be the amount paid to each officer after all deductions for F.I.C.A. and applicable withholding on F.I.C.A. (Ord 79-26, 12-3-79; amd. Ord. 83-27, 4-16-84; amd. Ord. 93-4, 5-17-93; amd. Ord. 94-2, 5-2-94; amd. Ord. 03-09, 7-21-03)

5-1-3: **DIRECTOR OF FIRE AND EMERGENCY SERVICES:** There is hereby created the position of Director of Fire and Emergency Services, who shall be appointed by the President of the Board of Trustees with the consent of the Board of Trustees. The Director shall be required to reside within the corporate limits of the Village within six (6) months of the date of his or her appointment. (Ord. 94-2, 5-2-94)

5-1-4: **DUTIES OF DIRECTOR OF FIRE AND EMERGENCY SERVICES:** The Director shall be responsible for the Fire Department (fire, rescue, and paramedics) and shall perform such duties as may from time to time be assigned by the President and Board of Trustees, including but not limited to the following:

- (A) Assign officers and engineers to administer the duties of the Department.
- (B) Direct the work of each unit within the Department. Be the final authority in all matters concerning the protection of life and property.
- (C) Be responsible for the maintenance and condition of all Fire Department apparatus, equipment, and building facilities.
- (D) Maintain the general attitude, discipline, and morale of the officers, members, and employees of the Department.
- (E) Stay well informed on the conditions and operating efficiency of the Department's apparatus and equipment.
- (F) Prescribe rules and regulations as may be necessary for the efficient operation of the Fire Department.
- (G) Cooperate with and aid the Board of Trustees and prescribe disciplinary action within the Fire Department when required.
- (H) Develop and maintain a budget for the Fire Department.
- (I) Maintain and comply with all reports and regulations of the State Fire Marshall's Office, and maintain any other reports or comply with all other regulations required by any other governmental body.
- (J) Maintain all payroll records and all other records of the Department.
- (K) Perform all other duties and exercise all other powers required or allowed by Village ordinance and State statute. (Ord. 94-2, 5-2-94)

5-1-5: **RECORDS:** (Rep. by Ord. 94-2, 5-2-94)

5-1-6: **ORGANIZATION:** (Rep. by Ord. 94-2, 5-2-94)

5-1-7: **FIREFIGHTER; COMPENSATION:** The Fire Chief shall appoint and designate as many volunteer firefighters as he or she may deem necessary and shall see that such volunteers are properly organized. Said volunteers may with the consent and approval of the President and Board of Trustees make and establish rules and regulations for the government of their Department, not inconsistent with the provisions of this Chapter, and not inconsistent with any rules or procedures established by the Director of Fire and Emergency Services. Each member of the Fire Department shall receive the following compensations:

For each emergency response, drill, meeting, or official department activity attended:

Probationary Firefighter:	\$10.00
Active member with State of Illinois Firefighter II Certification:	\$13.00

9-6-9: **LOADING/UNLOADING ZONE/NO PARKING OF TRAILERS:**

- (A) It shall be unlawful for the driver of a vehicle to park a passenger vehicle for longer than it is necessary to load or unload passengers, and in no event for more than three (3) minutes in any public alley or street, except where parking is otherwise allowed, and in such case, the vehicle may not be parked longer than the permitted time.
- (B) It shall be unlawful for the driver to stand any freight-carrying vehicle for a period of time longer than is necessary to load, unload, and deliver materials or freight, but in no event for more than thirty (30) minutes in any public alley or street.
- (C) It shall be unlawful to stand any freight-carrying vehicle in any public street or alley or other public way for the purpose of transferring freight or livestock from one vehicle to another. (Ord. 96-2, 5-20-96)
- (D) No semitrailer which is not connected to a truck tractor may be parked on any street or in any public right of way or in any public parking lot. A "semitrailer" is defined as every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. Any person violating this Section shall be subject to a fine of twenty five dollars (\$25.00), if paid within seven (7) days of the date of the violation. Said payment shall be made at the police station. In the event payment is not made within said period, the amount of the fine shall be one hundred dollars (\$100.00), and in such case, the Police Department shall file a violation with the Tazewell County Circuit Court. (Ord. 97-31, 11-17-97)

9-6-10: **TOWING VEHICLES AWAY:** The Police Department and all members thereof are hereby authorized to remove and tow away or have removed and towed away any vehicle which has been parked in violation of this Chapter. Such vehicles shall be restored to their owners only after payment of the expense incurred in removing, towing, and/or storage. (Ord. 460, 10-7-68)

9-6-11: **PRIMA FACIE PROOF:** The fact that a vehicle which is illegally operated or parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation. (Ord. 460, 10-7-68)

9-6-12: **PARKING VIOLATIONS:** Any person accused of a violation of any provision of this Code prohibiting parking a vehicle in a designated area or restricting the length of time a vehicle may be there parked may settle and compromise the claim by paying to the Village the sum of ten dollars (\$10.00), if paid within seven (7) days of the date of said violation, and, if not paid, then the sum of twenty dollars (\$20.00), if paid within fourteen (14) days of the date of said violation. Otherwise, the penalty in Section 1-4-1 of this Code shall apply. Such payments shall be made at the police station and the money paid shall be promptly turned over to the Treasurer. The members of the Police Department are directed to refrain from instituting prosecution for such violations where the above amounts are paid, and, where not so paid, until the expiration of fourteen (14) days from the date of such violation. (Ord. 80-5, 6-2-80; amd. (Ord. 90-5, 7-2-90; amd. Ord. 01-09, 7-16-01)

9-6-13: **TWENTY FOUR HOUR LIMIT:** It shall be unlawful to permit any vehicle to stand upon any street, highway, or parking lot within the Village limits for more than twenty four (24) hours at any one time. It shall not be a defense that the owner or possessor of such a vehicle has moved any such vehicle, unless such owner or possessor has moved such vehicle a distance greater than one hundred fifty feet (150'). (Ord. 80-34, 1-5-81)

9-6-14: **HANDICAPPED PERSONS, PARKING PRIVILEGES:** A motor vehicle bearing an identification card specified in this Chapter is exempt from any ordinance imposing time limitations on parking in a business district; but otherwise is subject to all other laws and ordinances of the Village. Any motor vehicle bearing such an identification card may park, in addition to any other lawful place, in any parking place specifically reserved by posting of an official sign for such vehicles. Parking privileges granted by this Section are strictly limited to the person to whom the special identification card was issued and to qualified operators acting under his express direction while the disabled person is present.

No person shall use any area for the parking of any motor vehicle pursuant to this Section or where an official sign controlling such area expressly prohibits parking at any time or during certain hours. (Ord. 80-47, 4-6-81)

9-6-15: **PARKING OF VEHICLE WITH EXPIRED REGISTRATION:** No person may stop, park, or leave standing upon a public street, highway, or roadway a vehicle upon which is displayed an Illinois registration plate or plates or registration sticker after the termination of the registration period for which the registration plate or plates or registration sticker was issued or after the expiration date set under 625 ILCS 5/3-414 and 625 ILCS 5/3-414.1.

Any person accused of violating this Section may settle and compromise the claim by paying to the Village the sum of ten dollars (\$10.00), paid within seven (7) days of the date of the violation, and if not paid, then the sum of twenty dollars (\$20.00) if paid within (14) days of the date of the violation. If not then paid, then the penalty shall be twenty-five dollars (\$25.00). Payments within the fourteen (14) days shall be made at the police station and the money paid shall be promptly turned over to the Treasurer. (Ord. 99-31, 11-1-99; amd. Ord. 01-09, 7-16-01)

9-6-16: **HANDICAPPED PARKING PLACES, UNAUTHORIZED USE OF:** It shall be prohibited to park any motor vehicle which is not bearing registration plates or decals issued to a person with disabilities, as defined by Section 1-159.1, pursuant to Sections 3-616, 11-130.1 or 11-1301.2, or to a disabled veteran pursuant to Section 3-609 of this Act, as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran, in any parking place, including any private or public off-street parking facility, specifically reserved, by the posting of an official sign as designated under Section 11-301, for motor vehicles bearing such registration plates. (References to "the Section" and "the Act" are to the Illinois Vehicle Code.) (Ord. 97-26, 9-15-97)

9-6-17: **REMOVAL OF UNAUTHORIZED VEHICLES:** When any police officer of the Village finds a vehicle in violation of any of the provisions of Section 9-6-16 of this Chapter, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the vehicle. (Ord. 80-47, 4-6-81)

9-6-18: **HANDICAPPED PARKING VIOLATION, PENALTY:** Any person violating the provisions of Section 9-6-16 of this Chapter shall, upon conviction, be fined the sum of three hundred fifty dollars (\$350.00). In addition to said fine, any person violating the provisions of Section 9-6-16 of this Chapter shall pay any costs or charges connected with the removal or storage of any motor vehicle as a result of the removal of same pursuant to Section 9-6-17 of this Chapter. (Ord. 84-18, 2-18-85; amd. Ord. 95-34, 2-5-96; amd. Ord. 05-42, 2-6-06)

9-6-19: **PARKING PROHIBITED ON UNPAVED SURFACES:** Unless it is necessary for the operation of a business enterprise lawfully conducted thereon, motor vehicles must be parked on an all weather, durable and dustless, asphaltic, interlocking, concrete, paver, brick, or cement pavement surface except in the following circumstances:

- (A) During the time that a declaration has been made for snow removal pursuant to Title 9, Chapter 13; or
- (B) In an area no greater than six feet (6') in width which is directly adjacent to a street or private road either of which is not improved with curb and gutter. (amd. Ord. 99-46, 2-21-00)