

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 215 - January 2011
Includes Ordinances: 10-21, 10-22, 10-23

REMOVE PAGES HEADED

INSERT PAGES HEADED

TITLE 1

1-7-1 CHAPTER 7
CLERK

1-7-1 CHAPTER 7
CLERK

TITLE 3

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

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

TITLE 9

9-4-54 4. East Jefferson Street from...
(and the following page)

9-4-54 4. East Jefferson Street from...
(and the following page)

PREFACE

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

10-21, November 1, 2010
10-22, November 15, 2010
10-23, November 15, 2010

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 Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.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 7

CLERK

SECTION:

- 1-7-1: Election; Term
 1-7-2: Oath
 1-7-3: Bond
 1-7-4: Compensation
 1-7-5: Duties

1-7-1: **ELECTION; TERM:** The Clerk shall be elected to office for a term of four (4) years and until his successor is elected and qualified.

1-7-2: **OATH:** Before entering upon the duties of his office, the Clerk shall take and subscribe the oath or affirmation required by the Illinois Constitution.¹ The subscribed oath or affirmation shall be filed in the office of the Clerk.

1-7-3: **BOND:** Before entering upon the duties of his office, the Clerk shall execute a bond with security, to be approved by the President and Board of Trustees. The bond shall be payable to the Village of Morton in the penal sum of five thousand dollars (\$5,000.00)², conditioned upon the faithful performance of the duties of the office and the payment of all money received by him, according to law and the ordinances of the Village. The bond of the Clerk shall be filed with the Treasurer. The premium of such bond shall be paid by the Village.

1-7-4: **COMPENSATION:** The Clerk shall receive compensation in the amount of six thousand six hundred dollars (\$6,600.00) per year, payable monthly.

1-7-5: **DUTIES:**

- (A) The Clerk shall be the custodian of the Village Seal and shall affix its impression on documents whenever this is required.
- (B) The Clerk shall keep all papers belonging to the Village, the custody and control of which are not given to other officers.
- (C) The Clerk shall attend all meetings of the President and Board of Trustees and keep a full record of their proceedings in the journal.
- (D) The Clerk shall act as secretary to the President and Board of Trustees and perform a variety of related duties as directed by the President and Board of Trustees.
- (E) The Clerk shall administer oaths of office to elected and appointed officers of the Village.
- (F) The Clerk shall attend all meetings of and act as secretary to (including the preparing and posting of agendas, the preparing, posting, and publishing of legal and public notices, the preparing and filing of minutes, and the keeping of other documents and records) the Board of Local Improvements, and such other boards, commissions, and committees as directed by the President. (amd Ord. 10-21, 11-1-10)

¹ For Statute authority, see S.H.A. Ch. 24, Sec. 3-5-9 amd. 1963

² For Statute authority, see S.H.A. Ch. 24, Sec. 3-14-3

- (G) The Clerk shall be responsible for the Village's compliance with the Freedom of Information Act, including receiving and processing all requests for information made under the Freedom of Information Act.
- (H) The Clerk shall be responsible for the Village's compliance with the Open Meetings Act.
- (I) The Clerk shall certify to the County Clerk, a list of names and addresses of persons that are required to file annual Statements of Economic Interests.
- (J) The Clerk shall give notice of all special meetings of the President and Board of Trustees.
- (K) The Clerk shall keep accounts showing all money received, and the source and disposition thereof, and such other accounts as may be required by statute or ordinance.
- (L) The Clerk shall keep on file, bonds required of any officers and the oath of office of all officers.
- (M) The Clerk shall maintain the Morton Municipal Code book, including the distribution of updates to the Morton Municipal Code book.
- (N) The Clerk shall post and publish all legal and public notices.
- (O) The Clerk shall prepare the agendas and agenda packets for regular and special meetings of the President and Board of Trustees.
- (P) The Clerk shall seal and attest all contracts of the Village, and all such other documents which may require this formality.³
- (Q) The Clerk shall serve as the Local Election Official for the Village and perform all duties relating to elections, as may be required by law.
- (R) The Clerk shall turn over all money received on behalf of the Village to the Treasurer promptly on receipt of same, and with such money the Clerk shall give a statement as to the source thereof.
- (S) The Clerk shall, deliver to the President all ordinances, resolutions, and other documents which may require the approval of the President or are to be acted upon by the President.
- (T) The Clerk shall perform such other duties as required by law or as directed by the President and Board of Trustees.

(amd. Ord. 08-06, 7-7-08; amd. Ord. 10-21, 11-1-10)

³ For Statute authority, see S.H.A. Ch. 24, Sec. 3-10-7

- (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	Five (5)
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; amd. Ord. 10-23, 11-15-10)

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.

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 Southern 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 Harding Road.
2. Detroit Avenue from Detroit Parkway to a point one thousand five hundred feet (1,500') south of West Jackson Street.
3. South Fourth Avenue from East Idlewood Street to East Queenwood Road.
4. Harding Road from North Main Street to the eastern corporate limits line.
5. South Main Street from Jadewood Street to I-155.
6. North Morton Avenue from I-74 to Lakeland Road.
7. East Queenwood Road from South Second Avenue to a point one thousand three hundred and twenty feet (1,320') east of South Second Avenue.
8. 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; amd. Ord. 10-22, 11-15-10)

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

1. Detroit Avenue from West Birchwood Street to Detroit Parkway.
2. East Jefferson Street from a point 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 Southern 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 (1,300') north of East Jackson Street to the northern corporate limits line and from a point five hundred feet (500') south of East Jefferson Street to the southern corporate limits line. (amd. Ord. 09-01, 5-4-09; amd. Ord. 10-22, 11-15-10)

(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 a point 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)

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Instruction Sheet: Morton, Illinois
Supplement 216 - February 2011
Includes Ordinances: 10-24, 10-27, 10-28

REMOVE PAGES HEADED

INSERT PAGES HEADED

TABLE OF CONTENTS

TABLE OF CONTENTS
TITLE 1
ADMINISTRATIVE

TABLE OF CONTENTS
TITLE 1
ADMINISTRATIVE

TITLE 6

TITLE 6 POLICE REGULATIONS
(Title 6 contents page)

TITLE 6 POLICE REGULATIONS
(Title 6 contents page)

NONE (New Chapter)

1-11-1 CHAPTER 11
DANGEROUS/VICIOUS ANIMALS
(and the following 4 pages)

TITLE 8

8-3-4 CONSTRUCTION REGULATIONS,

3-8-5 CONSTRUCTION REGULATIONS,

8-5-1 CHAPTER 5
STORM WATER UTILITY
(and the following page)

8-5-1 CHAPTER 5
STORM WATER UTILITY
(and the following page)

ALPHABETICAL INDEX

-A- ABANDONED, LOST, STOLEN...

-A- ABANDONED, LOST, STOLEN...

-C- CORPORATION COUNSEL, VILLAGE

-C- CORPORATION COUNSEL, VILLAGE

PREFACE

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

10-24, December 6, 2010

10-27, January 3, 2011

10-28, January 17, 2011

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.

Table of Contents

TITLE 1

Administrative

Village Code	1
Savings Clause	2
Definitions	3
Penalty	4
Board Of Trustees	5
President	6
Clerk	7
Treasurer	8
Corporation Counsel	9
Superintendent Of Public Works	10
(Reserved for Future Use)	11
Village Collector	12
Water, Sewer, And Gas Inspector	13
Officers And Employees	14
Village Jail	15
Corporate Seal	16
Fiscal Year/Inauguration	17
Surety Bonds	18
Illinois Municipal Retirement Fund	19
Village Engineer	20
Vacancies In Municipal Office	21
Freedom Of Information Officers	22

TITLE 2

Boards And Commissions

(Reserved for Future Use)	1
Plan Commission	2
Board Of Local Improvements	3
Board Of Fire And Police Commissioners ...	4
Police Pension Fund Board	5
Emergency Services And Disaster Agency ...	6
Board Of Appeals	7
Business District Development and Redevelopment Commission	8

TITLE 3

Business Regulations

Licenses And Permits	1
Business District Retailers' Occupation Tax and Business District Service Occupation Tax	2
Liquor	8
Itinerant Merchants, Peddlers	9
Junk Dealers	10
Peddlers (Rep. by Ord. 93-21, 1-3-94)	11
Foreign Fire Insurance Companies	12
(Rep. by Ord. 93-17,11-15-93)	14
Abandoned, Lost, Stolen, Or Unclaimed Vehicles	19
Registration Of Residential Solicitors	20
Regulation Of Adult Businesses	21
Renting Tax	23
Dance Halls	24
Simplified Municipal Telecommunications Tax	25
Municipal Telecommunication Tax Rebates	26
Cable/Video Service Provider Fee	27
Tax On Sale Of Gas	28

TITLE 4

Building Regulations

Building Code And Building Permits	1
Plumbing Codes	2
Housing Code	3
Electrical Code	4
Violations	5

TITLE 5

Fire Regulations

Fire Department 1
 Fireworks 2
 Fire Prevention Code 3
 Fire Detection Systems 4
 Paramedic Services 5
 Fire Hydrants 6

TITLE 6

Police Regulations

Police Department 1
 General Offenses 2
 Animals 3
 Minors 4
 Weeds (Rep. by Ord. 96-40, 4-7-97) 5
 (Reserved For Future Use) 6
 Shooting Events 7
 Regulation And Control Of Garbage, Refuse,
 And Ashes (Rep. by Ord. 96-40, 4-7-97) ... 8
 Possession Or Consumption Of Tobacco
 By Minors 9
 Parking Or Storing Junk, Inoperable Motor
 Vehicles, And Motor Vehicle Parts 10
 Dangerous/Vicious Animals11

-TITLE 7

Health and Sanitation

(Reserved For Future Use) 1
 Garbage and Refuse 2
 (Reserved For Future Use) 3

TITLE 8

Public Ways And Property

Right Of Ways, Streets, Alleys,
 Sidewalks, And Driveways 1
 Gas Distribution Department 2
 Wastewater Treatment And
 Collection System 3
 Waterworks And Water Distribution System .. 4
 Storm Water Utility 5
 Weeds 6
 Storm Drains 7
 Maintenance Of Private Property 8
 Street Names
 (Rep. by Ord. 96-22, 10-7-96) 9
 Discharging Of Sump Pumps And
 Perimeter Tiles Into Sanitary Sewers 10
 Underground Utility Service 11
 Utility Equipment 12
 Basic Annexation Fees 13
 Deferred Annexation Fees 14
 Utility Billing And Collection Policies
 And Procedures 15
 (Reserved For Future Use) 16

TITLE 9

Traffic

Definitions 1
 Enforcement 2
 Pedestrians 3
 Rules Of The Road 4
 Condition Of Vehicles 5
 Parking 6
 Drivers 7
 Bicycles 8
 Through; One-Way Streets 9
 Yield Intersections 10
 Left Turn Lanes 11
 Traffic Right Of Way, Encroachment 12
 Parking During Snow Removal 13
 Prohibition On Skateboarding 14
 Trespasses Prohibited 15

TITLE 6
POLICE REGULATIONS

Subject	Chapter
Police Department	1
General Offenses	2
Animals	3
Minors	4
Weeds (Rep. by Ord. 96-40, 4-7-97)	5
(Reserved For Future Use)	6
Shooting Events	7
Regulation And Control Of Garbage, Refuse, And Ashes (Rep. by Ord. 96-40, 4-7-97)	8
Possession Or Consumption Of Tobacco By Minors ..	9
Parking Or Storing Junk, Inoperable Motor Vehicles, And Motor Vehicle Parts	10
Dangerous/Vicious Animals	11

CHAPTER 11

DANGEROUS/VICIOUS ANIMALS

SECTION:

- 6-11-1: Definitions
- 6-11-2: Dangerous Dog or Cat
- 6-11-3: Vicious Dog or Cat
- 6-11-4: Previous Finding of Dangerous or Vicious by another unit of local government
- 6-11-5: Exclusivity
- 6-11-6: Impoundment Procedures
- 6-11-7: Penalty

6-11-1: **DEFINITIONS:**

Animal means every living creature, other than man, which may be affected by rabies.

Cat means all members of the family Felidae.

Confined means restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public.

Dangerous Dog or Cat deemed as such by a Hearing Officer, means any individual dog/cat when unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of physical injury or death to a person or a companion animal in a public place or on private property other than that of the owner or custodian.

Dog means all members of the family Canidae.

Enclosure, for purposes of a dog/cat deemed vicious by the Hearing Officer, means a fence that is buried at least twelve inches (12") to eighteen inches (18") below ground level or other structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog or dangerous dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall feature a concrete pad, be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure in any manner. If the enclosure is a room within a residence, the door must be locked. A vicious dog/cat may be allowed to move about freely within the entire residence if it is muzzled at all times.

Hearing Officer means the Mayor or his designee.

Leash means a cord, chain, rope, strap or other such physical restraint, not to exceed four (4) feet in length when used for a dangerous or vicious dog/cat, and not exceeding ten (10) feet when used for any other animal, and having a minimum tensile strength of not less than three hundred (300) pounds.

Muzzle means a device constructed of strong, soft material or a metal muzzle designed to prevent a dog or cat from biting any person or animal. The muzzle must be made in a manner which will not cause injury to the dog or cat or interfere with its vision or respiration, but must prevent it from biting any person or animal.

Owner means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian.

Run Line, for purposes of a dog/cat deemed vicious by the Hearing Officer, means a system of tying a dog in place with either a rope or chain having a minimum tensile strength of not less than three hundred (300) pounds and not exceeding ten (10) feet in length. The rope or chain must be securely fastened to a permanent, non-movable object and prevent the vicious dog/cat from climbing, digging, jumping or otherwise escaping under its own volition.

Vicious Dog or Cat deemed such by a Hearing Officer, means any individual dog/cat that, when unprovoked, inflicts bites or attacks a human being or other animal either on public or private property; any individual dog/cat with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals; any individual dog/cat that has a trait or characteristic and has a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment; any individual dog/cat which attacks a human being or domestic animal; and any individual dog/cat which has been found to be a dangerous dog/cat upon two (2) separate occasions.

6-11-2: DANGEROUS DOG OR CAT:

- (A) A Hearing Officer, or any adult person may request, under oath, that a dog/cat be classified as a dangerous dog/cat by submitting a sworn, written complaint on a form approved by the Hearing Officer. Within three (3) days of receipt of such complaint, the Hearing Officer shall notify the owner of the dog/cat that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted. The owner of the dog/cat shall not dispose of the dog/cat in any manner during an active investigation.
- (B) At the conclusion of the investigation, the Hearing Officer may:
1. Determine that the dog/cat is not dangerous and, if the dog/cat is impounded, waive any impoundment fees incurred and release the dog/cat to its owner; or
 2. Determine that the dog/cat is dangerous and, if the dog/cat is impounded, release the dog/cat to the owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within fifteen (15) business days after notification that a dog/cat is dangerous, the officer may cause the dog/cat to be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.
- (C) Within five (5) business days after declaring a dog/cat dangerous, the Hearing Officer shall notify the owner of the dog's/cat's designation as a dangerous dog/cat, and of the requirements and conditions for keeping the dog/cat, as set forth herein. The notice shall inform the dog/cat owner that he may request, in writing, a hearing to contest the finding and designation within fifteen (15) business days after delivery of the dangerous dog/cat designation notice.
- (D) The Hearing Officer or his designee shall hold a hearing within fifteen (15) days after receiving the dog/cat owner's written request for such a hearing. The Hearing Officer or his designee shall provide notice of the date, time and location of the hearing to the dog/cat owner and to the complainant by regular mail. The hearing shall be conducted informally and shall remain open to the public. At the hearing, the owner shall have the opportunity to present evidence to explain why the dog/cat should not be declared a dangerous dog/cat. The owner shall have the right to be represented by legal counsel at the owner's expense. Any other persons having knowledge of the facts and circumstances, may be heard by the Hearing Officer or his designee and shall be subject to cross examination by the owner or the owner's attorney. The Hearing Officer or his designee shall decide all issues for or against the owner of the dog/cat regardless of whether the owner appears at the hearing. Criteria to be considered in a hearing required by this section shall include, but not be limited to, the following:
1. Provocation;

2. Severity of attack or injury to a person or domestic animal;
 3. Previous aggressive history of the dog/cat;
 4. Observable behavior of the dog/cat;
 5. Site and circumstances of the incident;
 6. Statements from interested parties;
 7. Any medical records; and,
 8. Veterinary medical records or behavioral records.
- (E) A determination at a hearing that the dog/cat is in fact a dangerous dog/cat as defined herein shall subject the dog/cat and its owner to the provisions of this section.
- (F) Failure of the dog/cat owner to request a hearing shall result in the dog/cat being finally declared a dangerous dog/cat and shall subject the dog/cat and its owner to the provisions of this section.
- (G) If the Hearing Officer or his designee determines that a dog/cat is dangerous at the conclusion of a hearing conducted under section 6-11-2(d), that decision shall be final unless the dog/cat owner appeals to a court of competent jurisdiction for any remedies that may be available within thirty-five (35) days after receiving notice that the dog/cat has been finally declared dangerous.
- (H) It shall be unlawful for any person to keep or maintain any dog/cat which has been found to be a dangerous dog/cat unless the person meets the following requirements within two (2) weeks of final finding:
1. Registration of dangerous dog/cat. The owner shall register a dangerous dog/cat within two weeks of the dog/cat being declared dangerous unless a hearing has been requested, during which time these requirements are stayed. The dog/cat must be registered by April 1 of each year thereafter. The dog/cat shall be registered with the Village Clerk. The cost of each registration shall be five hundred dollars (\$500.00).
 2. Insurance. A Certificate of Insurance evidencing coverage in an amount not less than fifty thousand dollars (\$50,000.00) insuring said person against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional, of the dangerous dog. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous dog/cat. The dog/cat owner shall sign a statement attesting that he/she shall maintain and not voluntarily cancel the liability insurance policy during a twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog/cat prior to the expiration date of the permit.
 3. Permanent identification. Each dangerous dog/cat shall be injected by a qualified veterinarian, unless already so identified, with a microchip to permanently identify the dog/cat, at the expense of the owner.
 4. Transfer of ownership. The owner of a dangerous dog/cat shall not transfer ownership of such animal to any other person without first providing the Village Clerk with the name and address of the new owner.

5. Spaying or Neutering: If deemed dangerous, the owner shall be ordered to have the dog/cat spayed or neutered within 14 days at the owner's expense.
 6. Evaluation: On a final determination that a dog/cat is deemed dangerous, the Hearing Officer or his designee may order that the dog/cat undergo an evaluation by a certified behaviorist or other recognized specialist in this field, and subsequently complete treatment or training deemed appropriate by the expert. Such costs associated with the above evaluation and treatment/training to be the responsibility of the owner of the dog/cat.
 7. Muzzle: On a final determination that a dog/cat is deemed dangerous, the Hearing Officer or his designee may order that the dog/cat be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog/cat or interfere with its vision or respiration.
 8. Identification of Owner: Verification of the identity of the owner and current address by providing a photostatic copy of the owner's driver's license.
 9. Identification of dog/cat: Two (2) photographs of the dangerous dog/cat to be licensed taken not more than one (1) month before the date of the application. One (1) photograph shall provide a front view of the dangerous dog/cat and shall clearly show the face and ears of the dangerous dog/cat. One (1) photograph shall show a side view of the dangerous dog/cat.
- (I) No person shall permit any dangerous dog/cat to leave the premises of its owner when not under control by leash no longer than four (4) feet in length by an adult eighteen (18) years of age or older or within an enclosed vehicle.
- (J) The owner of any dog/cat found to be dangerous shall maintain such animal in such a manner as to prevent its coming in contact with any person not residing with the owner, unless the dog/cat is getting veterinary care or being boarded at a facility that can ensure all requirements pertaining to a dangerous dog/cat can be continuously maintained during the boarding period.
- (K) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, police-owned dogs, or animals trained to the same standards for show purposes are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exempted under this Section, each such dog shall be currently inoculated against rabies and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Hearing Officer of changes of address. In the case of a sentry or guard dog, the owners shall keep the Hearing Officer and the Village Clerk advised of the location where such dog will be stationed.

6-11-3: **VICIOUS DOG OR CAT:**

- (A) A vicious dog/cat means any dog/cat found to be a dangerous dog/cat by the Hearing Officer or his designee on two (2) separate occasions, or a dog/cat whose attack is of such a savage nature as to cause serious physical injury, thereby rendering it vicious on its first attack, and shall be reported to the Hearing Officer as such.
- (B) Any individual dog/cat that, when unprovoked, inflicts bites or attacks a human being or other domestic animal either on public or private property.
- (C) Any individual dog/cat with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

- (D) Any individual dog/cat that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.
- (E) A Hearing Officer or any adult person may request under oath that a dog/cat be classified as vicious by submitting a sworn, written complaint on a form approved by the Hearing Officer. Within three (3) days upon receipt of such complaint, the Hearing Officer shall notify the owner of the dog/cat that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.
- (F) At the conclusion of an investigation, the Hearing Officer may:
1. Determine that the dog/cat is not vicious and, if the dog/cat is impounded, waive any impoundment fees incurred and release the dog/cat to its owner; or
 2. Determine that the dog/cat is vicious and, if the dog/cat is impounded, release the dog/cat to the owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within fifteen (15) business days after a final determination that a dog/cat is vicious, the warden may cause the dog/cat to be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.
- (G) Within five (5) business days after declaring a dog/cat vicious, the Hearing Officer shall give written notice by certified mail, to the dog's/cat's owner of the dog's/cat's designation as vicious. The notice shall inform the owner that he may request, in writing, a hearing to contest the finding and designation within fifteen (15) business days after delivery of the vicious dog/cat designation notice.
- (H) The Hearing Officer or his designee shall hold a hearing within fifteen (15) business days after receiving the dog/cat owner's request for such a hearing. The Hearing Officer or his designee shall provide notice of the date, time and location of the hearing by regular mail to the dog/cat owner and the complainant.
- (I) The hearing shall be conducted informally and shall remain open to the public. At the hearing, the owner shall have the opportunity to present evidence why the dog/cat should not be declared a vicious dog/cat. The owner shall have the right to be represented by legal counsel at the owner's expense. Any other person having knowledge of the facts and circumstances may be heard by the Hearing Officer or his designee and shall be subject to cross examination by the owner or the owner's attorney. The Hearing Officer or his designee shall decide all issues for or against the owner of the dog/cat regardless of whether the owner appears at the hearing. Criteria to be considered in a hearing required by this section shall include but not be limited to the following:
1. Provocation;
 2. Severity of attack or injury to a person or domestic animal;
 3. Previous aggressive history of the dog/cat;
 4. Observable behavior of the dog/cat;
 5. Site and circumstances of the incident;
 6. Statements from interested parties;
 7. Any medical records; and,
 8. Veterinary medical records or behavioral records.

- (J) If the Hearing Officer or his designee determines that a dog/cat is vicious at the conclusion of a hearing conducted under section 6-3-11(i), that decision shall be final unless the dog/cat owner appeals to a court of competent jurisdiction for any remedies that may be available within thirty-five (35) days after receiving notice that the dog/cat has been finally declared vicious.
- (K) It shall be unlawful for any person to keep or maintain any dog/cat which has been found to be a vicious dog/cat unless the person meets the following requirements within ten days of final finding:
1. Registration of vicious dogs/cats. The owner shall register a vicious dog/cat within two weeks of the dog being declared vicious. The dog/cat must be registered by April 1 of each year thereafter. The dog/cat shall be registered with the Village Clerk. The cost of each registration shall be seven hundred fifty dollars (\$750.00).
 2. Insurance. A Certificate of Insurance evidencing coverage in an amount not less than one hundred thousand dollars (\$100,000.00) insuring said person against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional, of the vicious dog. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a vicious dog/cat. The dog/cat owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during a twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog/cat prior to the expiration date of the permit.
 3. Permanent identification. Each vicious dog/cat shall be injected by a qualified veterinarian, unless already so identified, with a microchip to permanently identify the dog/cat, at the expense of the owner.
 4. Transfer of ownership. No owner or keeper of a vicious dog/cat shall sell or give away a vicious dog/cat.
 5. Enclosure. No person shall own, keep or maintain a vicious dog/cat in an exterior area unless such dog/cat is at all times kept in a enclosed structure constructed and maintained in accordance with this section, except that a vicious dog/cat may be confined outside of a enclosed structure in a manner set forth in subsection (k)(8) herein. A dog/cat found to be a vicious dog/cat shall not be released to the owner until the Hearing Officer or his designee and the Zoning Department approves the enclosure.
 6. Signs. All persons possessing a vicious dog/cat shall display, in a prominent place on the premises where a vicious dog is to be kept, a sign which is readable by the public from a distance of not less than fifty (50) feet using the words "Beware of Vicious Dog/Cat." A similar sign shall be posted on any confinement structure.
 7. No vicious dog/cat may be kept on a porch, patio or in any part of a house or structure that would allow the vicious dog/cat to exit the structure on its own volition. No vicious dog/cat shall be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the vicious dog/cat from exiting the structure.

8. No person shall permit a vicious dog/cat to go outside a enclosed structure, house or other structure unless the vicious dog/cat is securely restrained with a leash no longer than four (4) feet in length and a minimum tensile strength of three hundred (300) pounds and fitted with a muzzle or securely restrained on a run line no longer than ten (10) feet in length and fitted with a muzzle. No person shall permit a vicious dog/cat to be kept on a leash unless a person eighteen (18) years old or older is in actual physical control of the leash and is physically able to control the dog/cat.
 9. The only time that a vicious dog/cat may be allowed out of the enclosure or off the run line are:
 - a. if it is necessary for the owner or keeper to obtain veterinary care for the vicious dog/cat, or boarded at a facility that can ensure all requirements pertaining to a vicious dog/cat can be continuously maintained during the boarding period.
 - b. to comply with the order of a court of competent jurisdiction, and/or;
 - c. to allow the owner or keeper to walk the vicious dog/cat, provided that said vicious dog/cat is securely muzzled and restrained with a leash having a minimum tensile strength of at least three hundred (300) pounds and not exceeding four (4) feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog/cat. Such owner is to be eighteen (18) years of age or older and physically able to control the dog/cat.
 10. Spayed or Neutered: Once a dog/cat is found to be a vicious dog/cat, the dog/cat shall be spayed or neutered within ten (10) days of the finding at the expense of its owner.
 11. Verification of the identity of the owner and current address shall be provided by a photostatic copy of the owner's driver's license.
 12. In addition to Permanent Identification set forth under subsection (3) hereof, identity of the vicious dog/cat shall be provided by two (2) photographs of the vicious dog/cat to be licensed taken not more than one (1) month before the date of the application. One (1) photograph shall provide a front view of the vicious dog/cat and shall clearly show the face and ears of the vicious dog/cat. One (1) photograph shall show a side view of the vicious dog/cat.
- (L) The owner of any dog/cat found to be vicious shall maintain such animal in such a manner as to prevent its coming into contact with any person not residing with the owner, except when necessary to obtain veterinary care for the vicious dog/cat or when the vicious dog/cat is being boarded at a facility that can ensure all requirements pertaining to a vicious dog/cat can be continuously maintained during the boarding period.
- (M) No dog/cat shall be deemed vicious if it bites, attacks, or menaces a trespasser on the property of its owner, anyone assaulting its owner, anyone who has tormented or abused it, or is a professionally trained dog used for law enforcement or guard duties.
- (N) A finding by the Court of the failure to comply with this section will result in the impoundment of any dog/cat which has been found to be a vicious dog/cat and which is not confined in an enclosure by the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian or to the Hearing Officer and humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.

- (O) The owner of all professional guard dogs and animals trained to the same standard as guard dogs for show purposes shall register their animals with the Village Clerk. It shall be the duty of the owner of each such dog to notify the Village Clerk of changes of address and the owner shall keep the Village Clerk advised of the location where such dog will be stationed. The Village Clerk shall provide Police and Fire Departments with a list of such exempted dogs and shall promptly notify such departments of any changes reported to him.
- (P) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, police-owned dogs, or animals trained to the same standard as guard dogs for show purposes are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for an exemption under this Section, each such dog shall be currently inoculated against rabies and performing duties as expected.
- (Q) If a dog is not properly registered with the Village Clerk under this section there is a rebuttable presumption that the dog does not qualify as a professional guard or show dog.
- (R) The escape from confinement of any vicious dog/cat shall be reported by the owner to the police upon discovery of the escape.
- (S) The biting or nipping of any person or animal by a vicious dog/cat shall be reported by the owner to the police upon occurrence.
- (T) The birth of any offspring of a vicious dog/cat shall be reported by the owner to the police within forty-eight (48) hours of the birth of the offspring.

6-11-4: **PREVIOUS FINDING OF DANGEROUS OR VICIOUS BY ANOTHER UNIT OF LOCAL GOVERNMENT:** If another unit of local government has found a dog or cat dangerous or vicious under its ordinances, rules or statutes with a definition substantially similar to the definition used by this ordinance, then the owner shall within five (5) days of keeping or harboring the dog or cat in the corporate limits of the Village, register the dog or cat in the Village in the same manner as would be required if the Hearing Officer found the dog or cat to be dangerous or vicious. The dog or cat shall immediately be subject to the provisions of this Ordinance for the classification previously determined by the other unit of local government.

6-11-5: **EXCLUSIVITY:** This Chapter shall apply to all dogs or cats deemed or proposed to be deemed dangerous or vicious and the provisions of Title 6, Chapter 3 do not apply. This Chapter does not dispense with the requirement of the owner of a dog or cat to obtain an annual license as provided in Chapter 6-3-1.

6-11-6: **IMPOUNDMENT PROCEDURES:**

- (A) Impounding - General: Any Animal Control officer under contract with the Village may impound dangerous and vicious dogs and cats in accordance with the provisions of this Ordinance or State statute.
- (B) Impounding - Immediate: Following notice to the owner and prior to the date set for hearing, in the event that a law enforcement officer, or any animal control officer, has probable cause to believe that an individual dog/cat is a vicious dog/cat and may pose an immediate threat of serious harm to human beings or other domestic animals, the law enforcement officer or any animal control officer may seize and impound the dog/cat pending disposition of the hearing. The owner of the dog/cat shall be responsible for payment for the costs and expenses of keeping the dog/cat unless the hearing officer finds the dog/cat is neither dangerous nor vicious, in which case no redemption fee is due.
- (C) Redemption of Impounded Dog or Cat:

1. Any person seeking to redeem any impounded animal shall pay a fee of Ten (\$10.00) Dollars if the animal is vaccinated and registered, or a fee of Fifteen (\$15.00) Dollars if the animal is not vaccinated and registered, plus a reasonable maintenance charge for boarding said animal to the animal control office, and in addition, a fee of Fifty (\$50.00) Dollars to the Village Clerk plus rabies fees if required. On the second offense, the fee to the Village Clerk shall be seventy-five (\$75) Dollars. On the third offense, a fee of one hundred (\$100) dollars shall apply. If the owner of the animal does not redeem said animal within five (5) days after notice by mail or otherwise to said owner of the impounding, such animal may be placed for adoption or humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act at the discretion of the Hearing Officer. If the animal is adopted by a person other than the owner, said person shall pay all fees and charges which the owner would have been required to pay; except, that in order to facilitate the adoption of impounded animals, the Hearing Officer or his designee may waive said fees. If such fees are waived, the Hearing Officer shall notify the Village Clerk of his/her decision.
2. No dog or cat shall be released for adoption from any animal pound or shelter without being spayed or neutered and tagged, or without a written agreement from the adopter, secured by cash deposit, guaranteeing that such animal will be spayed or neutered and tagged within a reasonable period of time.
3. Any person refusing to redeem an animal that has been impounded shall be prohibited from obtaining any license and/or registration for any other animal until such person pays all fees due on previously owned impounded animals.

6-11-7: **PENALTY:**

- (A) Upon a finding of guilt, the owner or keeper of any animal shall be liable for all damages that may accrue to any other person by reason of any such animal pursuing, chasing, wounding or killing any animal belonging to such other person, provided, however, that no owner or keeper of any animal shall be liable for any damage caused by such animal having rabies or other similar disease unknown to such owner or keeper.
- (B) If an animal, without provocation, attacks or injures any person who is peaceably conducting himself/herself in any place where he/she may lawfully be, the owner or keeper of such animal shall be liable in damages to the person so attacked or injured to the full amount of the injury sustained after a finding by the court of such violation of this Chapter.
- (C) Upon a finding of guilt, the owner or keeper of any animal which damages or destroys any public or private property shall be held liable for the full value of the property damaged or destroyed.
- (D) Any person found guilty of violating, disobeying, neglecting or refusing to comply with, or resisting enforcement of this chapter shall, upon finding thereof, be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00), and for each subsequent offense, such person shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00); and such person shall be deemed guilty of a separate offense for each and every day during which said violation continues.
- (E) Upon a finding by the Court of that there has been a violation of, or a disobeying, neglecting or refusing to comply with, or resisting enforcement of any sections of this chapter, such Court shall:
 1. Impose a fine of not less than two hundred dollars (\$200.00) for each offense; and/or,
 2. Order to have the animal in violation impounded; and/or,

3. Order the animal in question to be humanely dispatched.

- (F) Additionally, any person found guilty of violating this chapter shall pay all expenses, including shelter, food, veterinary expenses, and other expenses necessitated by the seizure of the dog for the protection of the public, and such other expenses as may be required for the humane dispatch of any such dog pursuant to the Humane Euthanasia in Animal Shelters Act.
- (G) The penalties provided for in this section shall not be construed as precluding each other or any other penalties and costs provided elsewhere in this chapter.
- (H) Any person refusing to redeem an animal that has been impounded shall be prohibited from obtaining any license and/or registration for any other animal until such person pays all fees due on previously owned impounded animals.
- (I) If any subsection, sentence, clause or phrase of this Chapter is, for any reason, found to be unconstitutional or invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

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

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

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

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

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

CHAPTER 5

STORM WATER UTILITY

SECTION:

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

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

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

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

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

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

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

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

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

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

8-5-6: EXEMPTIONS AND CREDITS:

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

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

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

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

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

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

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

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

A

ABANDONED, LOST, STOLEN, OR UNCLAIMED VEHICLES

- Abandonment Unlawful 3-19-2
- City Not Held Liable 3-19-13
- Definitions 3-19-1
- Disposal Of Unclaimed Vehicles Without Notice 3-19-10
- Notification Of Owner 3-19-7
- Notification To Police 3-19-3
- Proceeds Of Sale 3-19-12
- Public Sale 3-19-9
- Reclamation Of Vehicle 3-19-8
- Record Searches 3-19-6
- Records To Be Kept 3-19-5
- Removal Of Motor Vehicles Or Other Vehicles 3-19-4
- Report Of Transaction 3-19-11

ACCEPTANCE OF MUNICIPAL CODE 1-1-2

ACCIDENTS, TRAFFIC 9-7-3

ACCOUNTING OF VILLAGE TREASURER 1-8-6

ACCOUNTING OF WATERWORKS AND SEWERAGE SYSTEMS 8-4-23

ACCOUNTS KEPT BY VILLAGE CLERK 1-7-5

ACCUMULATION OF GARBAGE, NUISANCE 7-2-2

ACTIONS AND SUITS OF VILLAGE 1-9-3

ADULT BUSINESSES, REGULATION OF

- Adult Uses Enumerated 3-21-2
- Automatic Suspension 3-21-9
- Contents Of Application For License 3-21-6
- Definitions 3-21-1
- Display Of License And Permit 3-21-11
- Employment Of Persons Under Age Of Eighteen Prohibited 3-21-12
- Exterior Display 3-21-10
- Illegal Activities On Premises 3-21-13
- Issuance Of Adult Use License 3-21-7
- License Required; Filing Of Application, Filing Fee 3-21-5
- Limitations On Adult Uses 3-21-3
- Measurement Of Distances 3-21-4
- Repeal Of Conflicting Ordinances 3-21-16
- Severability Clause 3-21-14
- Statement Of Urgency 3-21-17
- Suspension Or Revocation Of License For Adult Use 3-21-8
- Violation And Penalty 3-21-15

ADVERTISING

- Advertising Structures, Sign Regulations 10-9
- Telecommunications Towers, On 8-15-10
- Trees; Shrubbery 8-1-10

ADVISOR, LEGAL OF VILLAGE 1-9-5

AGE LIMIT OF VEHICLE DRIVERS 9-7-1

AGE MISREPRESENTATION 6-4-6

AGENT, ILLINOIS MUNICIPAL RETIREMENT FUND 1-19-2

AGRICULTURAL USES

- Building Permit Required 4-1-2(C)
- Zoning Of 10-4-3(K)

AIR GUNS, DISCHARGING 6-2-5

ALARMS, FIRE; DETECTION SYSTEMS 5-4

ALCOHOL, DRIVING UNDER THE INFLUENCE 9-7-2

ALCOHOLIC LIQUOR (See Also LIQUOR REGULATIONS) 3-8

 Transportation Of 9-4-25

ALLEYS (See Also STREETS)

 One-Way Traffic 9-4-12

 Skateboarding On Prohibited 9-14-1

AMBULANCE SERVICE, PARAMEDIC DEPARTMENT TO OPERATE 5-5-1

AMENDMENTS

 To Municipal Code 1-1-3

 To Subdivisions 11-2-8

 To Zoning Regulations, Procedures 10-10-2(E)

ANIMALS

 Dangerous/Vicious 6-11

 Dog Or Cat Bites 6-3-6

 Impounding 6-3-7

 License Required 6-3-1

 Livestock (See LIVESTOCK FEEDING OPERATION) 10-2-1

 Muzzles 6-3-5

 On Thoroughfares, Traffic 9-2-8

 Owner 6-3-3

 Penalty For Dog Or Cat Bites 6-3-8

 Rabies Inoculation 6-3-2

 Running At Large 6-3-4

 Tags 6-3-2

ANNEXATION, BASIC FEES

 Exemption 8-13-3

 Purpose 8-13-1

 Fee Structure 8-13-2

ANNEXATION, DEFERRED FEES

 History 8-14-1

 Purpose 8-14-2

 Rate 8-14-3

ANNEXED TERRITORY

 Water Charges 8-4-4

 Zoning Of 10-3-4

ANTENNA DISH, SATELLITE 10-4-3(L)

APPEALS

 Board Of Zoning 2-7

 Regarding Liquor Licenses 3-8-12

 Storm Water Utility 8-5-7

 To Court, Zoning 2-7-3

 To Zoning Regulations, Procedures 10-10-2(D)

APPLICATION OF GENERAL PENALTY 1-4-4

APPOINTMENT

 Assignment of Duties and Responsibilities 1-5-6

 Board Of Local Improvements 2-3-1

 Board Of Police Commissioners 2-4-2

 Corporation Counsel 1-9-1

 Director Of Civil Defense 2-6-3

 Director Of Fire And Emergency Services 5-1-3

 Plan Commission Members 2-2-1

 Police Pension Fund Board 2-5-2

 Special Police 6-1-11

 Superintendent Of Public Works 1-10-1

 Superintendent Of Water Distribution Department 8-4-2.2

 Superintendent Of Water Treatment Department 8-4-1.2

CORPORATION COUNSEL, VILLAGE

Advice 1-9-5
 Creation; Appointment 1-9-1
 Judgments 1-9-4
 Special Assessments 1-9-6
 Special Counsel 1-9-2
 Suits And Actions 1-9-3
 CHARGES, RECONNECTION OF WATER 8-15-10
 CREDITS, EXEMPTIONS AND (Storm Water Utility) 8-5-6
 CRUELTY TO ANIMALS 6-6-1
 CURFEW, MINORS 6-4-1

D

DANGEROUS/VICIOUS ANIMALS 6-11
 DAYCARE CENTERS, RESIDENCE DISTRICT 10-5-2(B)
 DEFENSE, CIVIL 2-6
 DEFINITIONS
 Adult Businesses 3-21-1
 Drug Paraphernalia 6-2-8
 Fireworks 5-2-1
 Gambling 6-2-10.1
 Garage Sales 12-1-2
 General 1-3-1
 Home Occupation 10-13-1
 Itinerant Merchants, Peddlers 3-9-1
 Garbage And Refuse 7-2-3, 7-2-21, 7-2-22
 Junk Or Disabled Motor Vehicles 6-10-1
 Liquor 3-8-1
 Massage Establishments 3-22-1
 Nuisance, Property Maintenance Code 8-8-1
 Paraphernalia 6-2-8
 Prostitution 6-2-21
 Registered Solicitor 3-20-1
 Sewers 8-3-2
 Sexual Penetration 6-2-21.4
 Signs, Zoning 10-9-2
 Smoking In Public Buildings 12-2-2
 Storm Water Utility 8-5-2
 Subdivisions 11-1-5
 Tobacco Products 6-9-1
 Traffic 9-1-1
 Utility 8-15-1
 Wastewater Treatment 8-3-2
 Wind Energy Conversion System (WECS) 10-2-1
 Zoning 10-2-1
 DELINQUENT BILLS
 Utility Service 8-15-8

DEPARTMENTS

- Fire 5-1
- Gas Distribution 8-2
- Paramedic 5-5
- Police 6-1
- Storm Water Utility 8-5-1.1
- Wastewater Treatment 8-3-1
- Water Distribution 8-4-2
- Water Treatment 8-4-1

DEPOSIT

- Gas Service
 - Meter Testing 8-2-12
 - Utility Service, Tenants 8-15-3

DEPOSIT OF FUNDS BY VILLAGE TREASURER 1-8-4

DEPOSITS; OBSTRUCTION AND 8-1-6

DESIGN STANDARDS, SUBDIVISIONS 11-4

DIRECTOR, CIVIL DEFENSE 2-6-3

DIRECTOR OF FIRE AND EMERGENCY SERVICES

- Appointment 5-1-3
- Duties 5-1-4
- Residency of Employees 12-3-15

DISASTERS, NATURAL 12-5

- General Powers 12-5-3
- Purpose 12-5-1
- Tasks to be Accomplished 12-5-2

DISCHARGING FIREARMS 6-2-5

DISCHARGING OF SUMP PUMPS AND PERIMETER TILES INTO SANITARY SEWER 8-10

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

DISORDERLY CONDUCT 6-2-6

DISPOSAL, GARBAGE 7-2-11

DISTURBING ASSEMBLAGES 6-2-7

DOGS (See Also ANIMALS) 6-3

DRAG RACING 9-4-4

DRAINS, STORM 8-7

DRIVERS OF VEHICLES (See Also TRAFFIC) 9-7

DRIVEWAYS (See Also STREETS AND OTHER RIGHTS OF WAY) 8-1

DRIVING, RECKLESS 9-4-3

DRIVING RULES, VEHICLES 9-4

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 217 - March 2011
Includes Ordinances: 10-34, 10-35, 10-37

REMOVE PAGES HEADED

INSERT PAGES HEADED

TITLE 3

3-8-5 (C) Renewals:

3-8-5 (C) Renewals:

TITLE 4

4-1-1 CHAPTER 1
BUILDING CODE AND BUILDING..

4-1-1 CHAPTER 1
BUILDING CODE AND BUILDING..

TITLE 5

5-5-1 CHAPTER 5
PARAMEDIC SERVICES

5-5-1 CHAPTER 5
PARAMEDIC SERVICES

TITLE 6

6-11-6 1. Any person seeking to..

6-11-6 1. Any person seeking to..

TITLE 13

13-1-8 4. PWSFs may also be..

13-1-8 4. PWSFs may also be..

PREFACE

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

10-34, February 21, 2011

10-35, March 7, 2011

10-37, March 21, 2011

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	Five (5)
Class A-3	Zero (0)
Class A-4	One (1)
Class B-1	Three (3)
Class B-2	Ten (10)
Class B-3	Three (3)
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; amd. Ord. 10-23, 11-15-10; amd. Ord. 10-34, 2-21-11)

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.

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 2006 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)	

CHAPTER 5

PARAMEDIC SERVICES

SECTION:

- 5-5-1: Establishment Of Paramedic Department
- 5-5-2: Powers And Duties Of Fire Chief
- 5-5-3: Charge For Usage
- 5-5-4: Due Date Of Payment
- 5-5-5: Penalty For False Alarms
- 5-5-6: Severability Clause

5-5-1: **ESTABLISHMENT OF PARAMEDIC DEPARTMENT:** There is hereby established a Paramedic Department of the Village to be supervised by the Fire Chief, and which Department shall see to the operation of the ambulance service of the Village, under the terms and provisions of this Chapter, or such other ordinances or amendments hereto, as may from time to time be enacted by the President and Board of Trustees of this Village.

5-5-2: **POWERS AND DUTIES OF FIRE CHIEF:** It shall be the duty of the Fire Chief with reference to the Paramedic Department to accomplish the following:

- (A) To promulgate such rules, regulations, and procedures as are necessary and appropriate in the operation of the paramedic service.
- (B) To have charge of all property and equipment used by the Paramedic Department.

5-5-3: **CHARGE FOR USAGE:**

(A) **Payment For Services:** Any person who uses emergency medical services as may be provided by the Village of Morton shall pay to the Village for said service an amount determined as set forth in this section.

(B) **Definitions:** The following definitions shall apply:

BLS: Basic Life Support as defined by, or may from time to time be modified by, Medicare.

ALS: Advanced Life Support as defined by, or may from time to time be modified by, Medicare.

ALS-2: Intensive Advanced Life Support as defined by, or may from time to time be amended by, Medicare.

RESIDENT: A person residing within the corporate limits of the Village of Morton.

MILEAGE: The distance traveled with a patient in an ambulance from the point of patient pickup to a hospital or other final destination.

CHARGES: Charges shall consist of the base rate and mileage.

(C) Base Rate: The base rate charge is expressed in dollars and shall be as follows:

BLS	six hundred dollars (\$600.00)
ALS	seven hundred dollars (\$700.00)
ALS-2	eight hundred dollars (\$800.00)
Treatment only; no transport	three hundred dollars (\$300.00)
ALS Intercept Services	five hundred dollars (\$500.00)

Residents may deduct fifty dollars (\$50.00) from the applicable base rate.

(D) Standby Charges: There shall be a Standby Charge of one hundred dollars (\$100.00) per hour.

(E) Mileage: Mileage shall be charged as follows:

Ten dollars (\$10.00) per mile

(F) Should any provision of this ordinance be deemed inconsistent with the rules and regulations for ambulance-related billing as set forth by, and from time to time modified by Medicare and its carriers, Medicare's rules and regulations shall supersede this ordinance and Village staff may modify billing procedures as may be required to comply with Medicare's rules and regulations. (amd. Ord. 01-02, 5-21-01; amd. Ord. 07-30, 9-4-07; amd. Ord. 10-35, 3-7-11)

5-5-4: **DUE DATE OF PAYMENT:** All charges shall be due within thirty (30) days of the date of service. If the charges are not paid on or before said time the Village may take such action as is reasonably necessary including the filing of a lawsuit to collect for said services.

For any account which is not paid on or before said thirty (30)-day period, interest as allowable by Statute shall be due in addition to the charge for service. Interest shall in that case be computed from the date of service.

5-5-5: **PENALTY FOR FALSE ALARMS:** A person commits the offense of transmitting a false alarm for paramedic services when any person transmits to the Village a false alarm of the need for paramedic services, knowing at the time of such transmission that there is no reasonable ground for believing that the need for paramedic services exists.

A person who violates this Section shall, upon conviction, be fined two hundred fifty dollars (\$250.00).

A person convicted of more than one (1) offense of this Section shall, upon conviction, be subject to a fine of seven hundred fifty dollars (\$750.00) or imprisonment not to exceed six (6) months, or by both such fine and imprisonment. (amd. Ord. 99-37; 12-6-99)

5-5-6: **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 provision, clause, sentence, paragraph, section, or part thereof not then been included.

(Ord. 89-9, 8-21-89)

1. Any person seeking to redeem any impounded animal shall pay a fee of Ten (\$10.00) Dollars if the animal is vaccinated and registered, or a fee of Fifteen (\$15.00) Dollars if the animal is not vaccinated and registered, plus a reasonable maintenance charge for boarding said animal to the animal control office, and in addition, a fee of Fifty (\$50.00) Dollars to the Village Clerk plus rabies fees if required. On the second offense, the fee to the Village Clerk shall be seventy-five (\$75) Dollars. On the third offense, a fee of one hundred (\$100) dollars shall apply. If the owner of the animal does not redeem said animal within five (5) days after notice by mail or otherwise to said owner of the impounding, such animal may be placed for adoption or humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act at the discretion of the Hearing Officer. If the animal is adopted by a person other than the owner, said person shall pay all fees and charges which the owner would have been required to pay; except, that in order to facilitate the adoption of impounded animals, the Hearing Officer or his designee may waive said fees. If such fees are waived, the Hearing Officer shall notify the Village Clerk of his/her decision.
2. No dog or cat shall be released for adoption from any animal pound or shelter without being spayed or neutered and tagged, or without a written agreement from the adopter, secured by cash deposit, guaranteeing that such animal will be spayed or neutered and tagged within a reasonable period of time.
3. Any person refusing to redeem an animal that has been impounded shall be prohibited from obtaining any license and/or registration for any other animal until such person pays all fees due on previously owned impounded animals.

6-11-7: **PENALTY:**

- (A) Upon a finding of guilt, the owner or keeper of any animal shall be liable for all damages that may accrue to any other person by reason of any such animal pursuing, chasing, wounding or killing any animal belonging to such other person, provided, however, that no owner or keeper of any animal shall be liable for any damage caused by such animal having rabies or other similar disease unknown to such owner or keeper.
- (B) If an animal, without provocation, attacks or injures any person who is peaceably conducting himself/herself in any place where he/she may lawfully be, the owner or keeper of such animal shall be liable in damages to the person so attacked or injured to the full amount of the injury sustained after a finding by the court of such violation of this Chapter.
- (C) Upon a finding of guilt, the owner or keeper of any animal which damages or destroys any public or private property shall be held liable for the full value of the property damaged or destroyed.
- (D) Any person found guilty of violating, disobeying, neglecting or refusing to comply with, or resisting enforcement of this chapter shall, upon finding thereof, be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00), and for each subsequent offense, such person shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00); and such person shall be deemed guilty of a separate offense for each and every day during which said violation continues.
- (E) Upon a finding by the Court of that there has been a violation of, or a disobeying, neglecting or refusing to comply with, or resisting enforcement of any sections of this chapter, such Court shall:
 1. Impose a fine of not less than two hundred dollars (\$200.00) for each offense; and/or,
 2. Order to have the animal in violation impounded; and/or,

3. Order the animal in question to be humanely dispatched.

- (F) Additionally, any person found guilty of violating this chapter shall pay all expenses, including shelter, food, veterinary expenses, and other expenses necessitated by the seizure of the dog for the protection of the public, and such other expenses as may be required for the humane dispatch of any such dog pursuant to the Humane Euthanasia in Animal Shelters Act.
- (G) The penalties provided for in this section shall not be construed as precluding each other or any other penalties and costs provided elsewhere in this chapter.
- (H) Any person refusing to redeem an animal that has been impounded shall be prohibited from obtaining any license and/or registration for any other animal until such person pays all fees due on previously owned impounded animals.
- (I) If any subsection, sentence, clause or phrase of this Chapter is, for any reason, found to be unconstitutional or invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

4. PWSFs may also be permitted in areas that are not opportunity sites, subject to the following siting, design, and safety standards, and permitted in avoidance areas, subject to the following siting, design, and safety standards.

5. These standards apply regardless of radio frequency (RF) engineering considerations.

(B) Siting Standards: PWSFs should meet the following siting standards. These standards are directory, not mandatory.

1. To the greatest extent possible, PWSFs should be concealed within existing structures or where camouflaged conditions surround them, or on inconspicuous mounts.

2. Placement within trees should be encouraged, but no antennas should extend higher than ten (10) feet above the average tree height.

3. Placement on existing roofs or non-wireless structures should be favored over ground-mounted PWSFs.

4. Roof-mounted PWSFs should not project more than ten (10) additional feet above the height of a legal building, but in no event above the height limit of the zoning district within which the PWSF is located.

5. Side-mounted PWSFs should not project more than twenty (20) inches from the face of the mounting structure.

6. These standards apply regardless of RF engineering considerations.

(C) Design Standards: PWSFs should meet the following design standards. These standards are directory, not mandatory.

1. Color: All PWSFs should be painted or complementary with natural tones (including trees and sky).

2. Size: The silhouette of the PWSF should be reduced to the minimum visual impact.

3. PWSFs near residences should either:

(a) Provide underground vaults for equipment shelters, or

(b) Place equipment shelters within enclosed structures approved by the Village of Morton.

4. Equipment: The following types of equipment should be discouraged:

(a) Roof-mounted monopoles, lattice towers, or guyed towers.

(b) Ground-mounted lattice towers.

(c) Ground-mounted guyed towers.

(d) Metal towers shall be constructed of, or treated with, corrosive resistant material. Wood poles shall be impregnated with rot-resistant substances.

5. Height should be kept to a minimum:

- (a) Height of PWSFs should be no greater than the uppermost height of nearby structures within three hundred (300) horizontal feet (when measured on the ground), regardless of prevailing height limits in the zoning district.
- (b) In the event there are no nearby buildings within three hundred (300) horizontal feet (when measured on the ground) of the proposed site of the PWSF, the following should apply:
 - 1. All ground-mounted PWSFs (including the security barrier) should be surrounded by nearby dense tree growth for a radius of twenty (20) horizontal feet (when trunk centerlines are measured on the ground) from the PWSF in any direction. These trees can be existing on the subject property or installed to meet the twenty (20) foot requirement as part of the proposed PWSF, or they can be a combination of both.
 - 2. Ground-mounted PWSFs should not project more than ten (10) feet above the average tree height.

6. These standards apply regardless of RF engineering considerations.

(D) Safety Standards: PWSFs should meet the following safety standards. These standards are directory, not mandatory.

- 1. Tornado design standards should be those of the building code used in the Village of Morton or EIA-TIA 222 (latest version), whichever is stricter.
- 2. Roof mounts on buildings should have railings to protect workers.
- 3. All transmission cables and cable trays deployed horizontally above the ground between a mount and a structure, or between mounts, shall be at least eight (8) feet above the ground at all points unless buried underground.
- 4. All construction of PWSFs shall be in compliance with the National Electrical Code.

13-1-9: **FALL ZONE; SETBACK REQUIREMENTS:**

(A) Fall Zone: No habitable structure or outdoor area where people congregate should be within a fall zone of the height of the PWSF except on property owned by the Village of Morton. This provision shall apply only to Tier Three applications.

(B) Setback, except on property owned by the Village of Morton that is adjacent to property with no structures within the Fall Zone area: (amd. Ord. 10-37, 3-21-11)

- 1. All PWSFs, including mounts and equipment shelters, shall comply with the minimum setback requirements of the applicable zoning district as set forth in the Village of Morton Zoning Ordinance. In addition, mounts shall be located on the lot in such a manner that in the event of a collapse, the structure and supporting devices shall be contained within the confines of the property lines.
- 2. Structural elements such as peripheral anchors, guy wires, or other supporting devices shall be located no closer than ten feet (10') to any property line.
- 3. The antenna array for an attached PWSF is exempt from the setback requirements of this ordinance and from the setback for the zoning district in which they are located, provided that no such antenna array shall extend more than five feet (5') horizontally from the attachment structure at the point of attachment.

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 218 - June 2011
Includes Ordinances: 10-36, 10-38, 10-40, 10-41, 10-42, 11-01, 11-02,
11-03, 11-04, 11-05

REMOVE PAGES HEADED

INSERT PAGES HEADED

TITLE 3

3-8-3	(b) Each such license issued.. (and remainder of chapter)	3-8-3	(b) Each such license issued.. (and remainder of chapter)
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TITLE 4

4-2-1 CHAPTER 2
PLUMBING CODE AND INSPECTIONS

4-1-1 CHAPTER 1
PLUMBING CODE AND...

4-4-1 CHAPTER 4
ELECTRICAL CODE

4-4-1 CHAPTER 4
ELECTRICAL CODE

TITLE 8

8-1-6 (B) It shall be unlawful...

8-1-6 (B) It shall be unlawful...

8-2-1 CHAPTER 2
GAS DISTRIBUTION DEPARTMENT

8-2-1 CHAPTER 2
GAS DISTRIBUTION DEPARTMENT

8-4-1 CHAPTER 4
WATERWORKS AND WATER...

8-4-1 CHAPTER 4
WATERWORKS AND WATER...

TITLE 9

9-4-54 4. East Jefferson Street from...

9-4-54 4. East Jefferson Street from...

TITLE 10

10-4-1 CHAPTER 4
GENERAL REGULATIONS...
(and the following 2 pages)

10-4-1 CHAPTER 4
GENERAL REGULATIONS...
(and the following 2 pages)

TITLE 13

13-1-7 (f) PWSFs that are proposed for...
(and the following page)

13-1-7 (f) PWSFs that are proposed for...
(and the following page)

PREFACE

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

10-36, May 2, 2011
10-38, April 4, 2011
10-40, April 4, 2011
10-41, April 25, 2011
10-42, April 25, 2011
11-01, May 2, 2011
11-02, May 2, 2011
11-03, May 2, 2011
11-04, May 2, 2011
11-05, May 2, 2011

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.

- (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.
13. Class H: A Class H liquor license may be issued by the local liquor control commissioner subject to the following:
- (a) It may be used for beer and wine sales only;
 - (b) Each such license shall set forth the number of days for which it is granted, except that it may not exceed seven (7) days.
 - (c) Each such license issued shall set forth the permitted location and the permitted hours of operation, which in no event shall be later than 10:00 P.M. if the event is outdoors or 12:00 midnight. if indoors.
 - (d) 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.
 - (e) No person may obtain a Class H license more than twice in any fiscal year (May 1 to April 30).
 - (f) As part of the approval process, if the event is to be held outdoors, the Chief of Police, or his designee, shall inspect and approve the area designated in the application for the class H license before the license is provided to the applicant.
 - (g) A license that can be issued for indoor or outdoor activities.
 - (h) Licenses may only be issued to civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least nine months prior to the making of such application and which in good faith have maintained a membership role during such nine month period, or any such organizations which have been incorporated under state law.
 - (i) If the applicant does not own the property upon which the event will take place, the written permission of the owner is required.

- (j) In residential districts only where the sponsor is a qualified organization and the event occurs wholly indoors at a residence or outdoors but no later than 10:00 P.M. (Ord. 11-02, 5-2-11)

(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.

Class H holder: Allowed by the granting of same. (amd. Ord. 11-02, 5-2-11)

- (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-1	Zero (0)
Class A-2	Five (5)
Class A-3	Zero (0)
Class A-4	One (1)
Class B-1	Three (3)
Class B-2	Eleven (11)
Class B-3	Three (3)
Class C	One (1)
Class D	Two (2)
Class E	Five (5)
Class F	No specific limit
Class G	One (1)
Class H	No specific limit

(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; amd. Ord. 10-23, 11-15-10; amd. Ord. 10-34, 2-21-11; amd. Ord. 10-40, 4-4-11; amd. Ord. 11-02, 5-2-11)

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; 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.

¹ S.H.A., Ch. 32, 1.01 et seq.

- (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.

¹ S.H.A. 720 ILCS.

² S.H.A. 235 ILCS.

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.
- (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 2

PLUMBING CODE AND INSPECTIONS

SECTION:

- 4-2-1: Adoption Of Plumbing Codes
- 4-2-2: Inspections
- 4-2-3: Duty To Request
- 4-2-4: Permit Required
- 4-2-5: Cancellations/Re-Inspection Fee
- 4-2-6: Responsible Parties

4-2-1: **ADOPTION OF PLUMBING CODES:** The current Edition of the Illinois Plumbing Code, and any subsequent editions or amendments thereto, as published by the Illinois Department of Public Health, is hereby adopted for the purpose of establishing minimum standards of design, materials, and workmanship for all water and sewer plumbing hereafter installed, altered, or repaired, and to establish methods of procedure within the limits of the Village. The current edition, and all subsequent editions or amendments thereto, of the American National Standard "National Fuel Gas Code", also identified by National Fire Protection Association #54 and ANSI Z223.1, is hereby adopted for the purpose of establishing minimum standards of design, materials, and workmanship for all gas plumbing hereafter installed, altered, or repaired, and to establish methods of procedure within the limits of the Village. A copy of each is on file in the office of the Village Clerk, and the same are hereby incorporated as fully as if set out at length herein, with the provisions thereof controlling in the installation, alteration, or repair of all plumbing. 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)

4-2-2: **INSPECTIONS:** All new construction and all building additions may require three (3) inspections. The first inspection shall be of the underground and is required before concrete is poured or piping is graded over. The second inspection is of the rough plumbing and shall be done prior to insulation. The third inspection is the final and shall be accomplished after all fixtures are set. (Ord. 06-39, 2-19-07)

4-2-3: **DUTY TO REQUEST:** 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. The inspection shall take place as soon thereafter as reasonably possible. (Ord. 06-39, 2-19-07)

4-2-4: **PERMIT REQUIRED:** Any plumbing job in excess of one thousand dollars (\$1000) that is all labor and material will require a permit and the appropriate inspections. All plumbing permits will be in effect for no more than 18 months or until a final inspection has been completed. Plumbing permits shall be non-assignable.

The following are the plumbing inspection fees:

NEW CONSTRUCTION

Base charge \$55.00
 Fixture, each @ \$15.00
 Sprinkler (Fire) \$100.00
 Sprinkler (Lawn)
 per head \$ 4.00
 Minimum \$55.00

ADDITIONS/REMODELS

Base charge \$75.00
 Fixture, each @ \$25.00

(Ord. 06-39, 2-19-07; amd. Ord. 07-55, 1-21-08; amd. Ord. 10-15, 8-16-10; amd. Ord. 11-03, 5-2-11)

4-2-5: **CANCELLATIONS/RE-INSPECTION FEE:** 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 inspection time shall be charged a re-inspection fee.

The re-inspection fee shall be as follows:

1st re-inspection request \$ 50.00
 2nd re-inspection request \$ 75.00
 3rd re-inspection request \$100.00
 4th re-inspection request \$125.00

(Ord. 06-39, 2-19-07)

4-2-6: **RESPONSIBLE PARTIES:** The owner of the property, the tenant of a property having plumbing work done, and the contractor shall all be jointly and severably responsible for compliance with all provisions of this chapter. (Ord. 06-39, 2-19-07)

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:

Single Family Home:	\$400
Duplex:	\$800
Multi-family (more than 2 units):	\$800, plus \$50 per unit over two units
Additions; Remodel Projects:	\$200
Service Panel Change Out/Generator:	\$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 Panel Change Out/Generator: \$100

In the event any work is started prior to the time a permit is obtained, the permit fee shall be doubled. All electrical permits will be in effect for no more than 18 months or until a final inspection has been completed. Electrical permits shall be non-assignable. (Ord. 08-26, 12-1-08; amd. Ord. 08-40, 3-16-09; amd. Ord. 09-39, 1-4-10; amd. Ord. 10-02, 5-17-10; amd. Ord. 11-04, 5-2-11)

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 one hundred dollars (\$100) 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, amd. Ord. 09-31, 11-16-09)

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

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

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

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

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

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

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

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

CHAPTER 2

GAS DISTRIBUTION DEPARTMENT

SECTION:

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

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

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

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

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

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

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

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

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

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

CHAPTER 4

WATERWORKS AND WATER DISTRIBUTION SYSTEM

SECTION:

- 8-4-1: Water Treatment Department
- 8-4-1.1: Establishment Of Water Treatment Department
- 8-4-1.2: Superintendent Of Water Treatment Department; Office Created
- 8-4-1.3: Superintendent's Powers And Duties
- 8-4-2: Water Distribution Department
- 8-4-2.1: Establishment Of Water Distribution Department
- 8-4-2.2: Superintendent Of Water Distribution Department; Office Created
- 8-4-2.3: Superintendent's Powers And Duties
- 8-4-3: Monetary Penalty For Violation Of Chapter
- 8-4-4: Annexation Fees
- 8-4-5: Connecting To The Village Water System
- 8-4-6: Materials, Cost, Title, And Responsibility
- 8-4-7: Inspection And Approval
- 8-4-8: Village Not Liable For An Interruption Of Service Or Supply
- 8-4-9: Water Rate Schedule
- 8-4-10: Meters
- 8-4-13: Private Fire Hydrants
- 8-4-14: Fire Sprinkler Systems
- 8-4-15: Cross-Connections
- 8-4-16: Water Leakage
- 8-4-17: Illegal Use Of Water
- 8-4-18: Resale
- 8-4-19: Tampering
- 8-4-20: Prohibition Of Watering Of Lawns And Gardens, Washing Of Automobiles, And Filling Of Swimming Pools
- 8-4-21: Service Discontinued And Renewal Thereof
- 8-4-22: Minimum / Maximum Setback Zone Provisions For Groundwater Protection
- 8-4-23: Deposit Of Receipts
- 8-4-24: Severability Clause

8-4-1: **WATER TREATMENT DEPARTMENT**

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

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

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

(A) Conduct tests thereon;

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

8-4-2: WATER DISTRIBUTION DEPARTMENT:

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

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

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

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

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

8-4-4: ANNEXATION FEES:

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

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 Southern 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 a point six hundred feet (600') east of 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; amd. Ord. 10-41, 4-25-11)

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

1. East Courtland Street from North Morton Avenue to Harding Road.
2. Detroit Avenue from Detroit Parkway to a point one thousand five hundred feet (1,500') south of West Jackson Street.
3. South Fourth Avenue from East Idlewood Street to East Queenwood Road.
4. Harding Road from North Main Street to the eastern corporate limits line.
5. South Main Street from Jadewood Street to I-155.
6. North Morton Avenue from I-74 to Lakeland Road.
7. East Queenwood Road from a point six hundred feet (600') east of South Second Avenue to South Fourth Avenue.
8. 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; amd. Ord. 10-22, 11-15-10; amd. Ord. 10-41, 4-25-11)

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

1. Detroit Avenue from West Birchwood Street to Detroit Parkway.
2. East Jefferson Street from a point 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 Southern 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 South Fourth 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 (1,300') north of East Jackson Street to the northern corporate limits line and from a point five hundred feet (500') south of East Jefferson Street to the southern corporate limits line. (amd. Ord. 09-01, 5-4-09; amd. Ord. 10-22, 11-15-10; amd. Ord. 10-41, 4-25-11)

(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 a point 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)

CHAPTER 4

GENERAL REGULATIONS AND EXCEPTIONS

SECTION:

- 10-4-1: Application Of Regulations, Zoning Permits, And Certificates
- 10-4-2: Nonconforming Uses
- 10-4-3: Building Height, Bulk, Lot Coverage, And Yards
- 10-4-4: Lots Of Record
- 10-4-5: Buildings, Required Street, And Lot Relationships
- 10-4-6: Site Plan Review
- 10-4-7: Site Plan Review For Interstate Corridor
- 10-4-8: Existing Buildings In Interstate Corridors
- 10-4-9: Special Variance Procedure For Property In Interstate Corridor
- 10-4-10: Planned Commercial Developments
- 10-4-11: Large Scale Development
- 10-4-12: Wind Energy Conversion System (WECS)
- 10-4-13: Dumpsters
- 10-4-14: Portable Storage Units
- 10-4-15: Shelters/Tents
- 10-4-16: Solar Water Systems
- 10-4-17: Electric Solar Systems

10-4-1: **APPLICATION OF REGULATIONS, ZONING PERMITS, AND CERTIFICATES:** No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved, or altered, unless in conformity with the regulations herein specified for the district in which it is located, and unless having received the appropriate required permits or certificates as outlined in this Title. (Ord. 78-31, 3-5-79)

10-4-2: **NONCONFORMING USES:** Any lawfully established use of land or buildings at the effective date of this Title or of amendments, which does not comply with the regulations of the district in which it is located, is subject to the following regulations:

- (A) **Continuance Of Use:** A nonconforming use may be continued in use provided there is no physical change other than necessary maintenance and repair except as otherwise provided herein.
- (B) **Nonconforming Use Discontinued For One (1) Year Not To Re-Establish:** If a nonconforming use involving a building or structure has discontinued for a period of one (1) year or more, it shall not be re-established unless it was in a building specifically designed for such use. If nonconforming use of land not involving a principal building or structure is discontinued for six (6) months, it shall not be re-established.
- (C) **Reconstruction, Alterations, Or Expansions Of Nonconforming Building Limited:** A nonconforming building may not be structurally altered or reconstructed within its bounding walls to an extent exceeding in aggregate cost twenty five percent (25%) of its fair market value including land value except for non-conforming buildings which are used as an owner occupied residence, in which case the 25% limitation does not apply. A nonconforming use may not expand its bounding walls or increase its building area. In instances where a building has been specifically designed for a nonconforming use, the Board of Appeals, by variance action, may permit this limitation to be exceeded after required public hearing. (Ord. 78-31, 3-5-79; amd. Ord. 08-17, 10-06-08)

Notwithstanding the foregoing, a nonconforming building may be added on to or attached to where the following applies:

1. The building is in a district zoned R-1, "One-family and Planned Residential District"; and
 2. Pursuant to the zoning law in effect at the time the building was constructed, the building was allowed to be built up to five feet (5') from the side lot line; and
 3. Any addition shall not be closer to the side lot line than five feet (5'). (Ord. 83-12, 8-1-83)
 4. The building is in a district zoned industrial, and pursuant to the zoning law in effect at the time the building was constructed, the building was allowed to be built up to thirty feet (30') from the side lot line. Any addition shall not be closer to the side lot line than thirty feet (30'). (Ord. 92-23, 11-2-92)
- (D) Conforming Uses Not To Revert To Nonconforming Uses: Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.
- (E) Substitution Of Nonconforming Uses Prohibited: Except where otherwise provided herein, nonconforming use shall not be substituted for or added to another nonconforming use. (Ord. 78-31, 3-5-79)
- (F) Property adjacent to Detroit Avenue between West Jackson Street and West Birchwood Street where the owner dedicated right-of-way for the widening of Detroit Avenue will not be considered to be a nonconforming property because it doesn't meet the required front setback. Nonconforming property includes lots that are presently vacant. (Ord. 10-38, 4-4-11; amd. Ord. 10-42, 4-25-11)

10-4-3: **BUILDING HEIGHT, BULK, LOT COVERAGE, AND YARDS:**

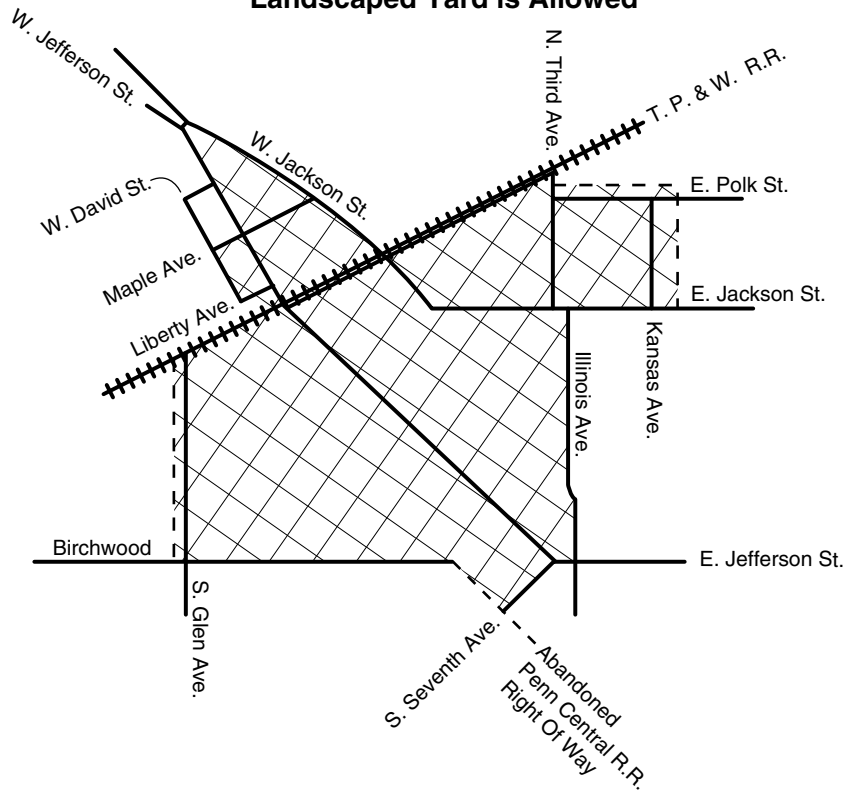
- (A) General Application: No building shall be erected, reconstructed, relocated, or structurally altered to have a greater height, lot coverage, or smaller open spaces than permitted under the restrictions for the district in which it is located, except as otherwise provided in this Title. (Ord. 78-31, 3-5-79)
- (B) Exceptions To Height Limitations: All structural or architectural towers, spires, cupolas, parapet walls, chimneys, cooling towers, water towers, elevator bulkheads, stacks, stage towers or scenery lofts, mechanical appurtenances, structures, towers, antennas, or other similar structures may exceed the general height limitations in a zoning district only if a special use in accordance with the provisions of Section 10-10-2 of this Title is granted. Notwithstanding the foregoing, no special use shall be granted for a tower or other structure that can or will accommodate a personal wireless service facility as defined in Title 13 Chapter 1 of this Code. Warning sirens are exempt from any height limitation imposed by any other Sections of this Code. (Ord. 81-21, 8-17-81; amd. Ord. 00-52, 3-5-01; amd. Ord. 06-01, 5-1-06)
- (C) Open Space To Meet Requirements For One Property Not To Be Used For Another: No space allocated to a building or group of buildings for the purpose of satisfying the yard, open space, or lot area requirements of one property shall be used to satisfy the yard, open space, or lot area requirements of another property. (Ord. 78-31, 3-5-79)
- (D) Exceptions To Yard Requirements; Parking, Drives, Walks, Parking Lots, And Garages: Notwithstanding the foregoing, the following shall be permitted in the required yards:
1. Pavements:

- (a) For access walks, drives, and parking areas not encroaching on the landscaped front yard, such pavements shall be no closer than ten feet (10') to the side property line and eight feet (8') to the rear property line in B-1 and B-2.
 - (b) For R-3, B-3, I-1, and I-2, pavement shall be no closer than ten feet (10') to the side and rear property lines.
 - (c) For B-3, I-1, and I-2, if there are walks, drives, or parking areas that were built in compliance with a lesser setback (but not as a result of a variance), then the setback for subsequent walks, drives, and parking areas may be the same as that in effect at the time of the prior construction.
 - (d) In all of the above cases, landscape screening shall be provided wherever pavement is closer than the building setback line.
 - (e) For adjacent one- (1) and two-family (2) residential structures, such pavements can extend to within five feet (5') of the side or rear property lines, and the landscape screening requirement is waived. Notwithstanding the foregoing, one- (1) and two-family (2) residential structures can only utilize the portion of the drive in the front yard, even though encroaching on the landscaped yard to partially meet the off-street parking requirements as provided in Section 10-8-6 of this Title. Notwithstanding the foregoing, common drives as recorded on plat to be shared by adjacent lots are permitted in side yards.
 - (f) No residential driveway shall exceed twenty four feet (24') in total width at the right-of-way line, except where a three (3) stall or larger garage is constructed. Then, in such case, the driveway may be thirty feet (30') in width at the right-of-way line, and the side and rear setback of five feet (5') must be observed. At the right-of-way line, driveway width may not exceed the width of the apron. (amd Ord. 05-31, 12-05-05)
 - (g) No driveway entrance shall be constructed closer than thirty five feet (35') to any intersection of residential streets and fifty feet (50') to any intersection involving collector or major streets.
 - (h) No more than one (1) driveway per dwelling unit shall be allowed. Notwithstanding the foregoing, for lots of a width of one hundred fifty feet (150') or more (meaning frontage on one street of at least that distance), one (1) circular drive per lot is allowable, provided that the total driveway width of both openings does not exceed thirty six feet (36') and that any one (1) opening does not exceed twenty four feet (24'). All circular driveways shall otherwise conform to the other requirements in this Section. In addition, any property backing on an alley which is driveable may maintain driveway access from both the alley and the fronting street. (amd. Ord. 00-12, 7-17-00; amd. Ord. 05-30, 12-05-05)
2. Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback. All outdoor lighting in any business or industrial district shall be installed so that lighting throw does not fall beyond any property line. (Ord. 98-4, 6-15-98; amd. Ord. 99-51, 03-20-00; amd. Ord. 02-26, 1-6-03)
 3. Bay Windows, Chimneys, Etc.: One story bay windows, chimneys, overhanging eaves, and gutters projecting no more than twenty four inches (24") into side yards nor more than thirty six inches (36") into front and rear yards. (amd. Ord. 07-22, 7-16-07)
 4. Open Fire Escapes: Open fire escapes, providing they do not project into required yards more than four and one-half feet (4 1/2').

5. Noise-Emitting Mechanical Equipment: In residential districts or on properties adjacent to residential districts, mechanical equipment emitting noise such as air-conditioning compressors and similar equipment may be located in side or rear yards but in no case any closer than twelve feet (12') to the side yard property line of the adjacent property, and in all instances so installed and directed to be of minimum annoyance to the adjacent property. (Ord. 78-31, 3-5-79; amd. Ord. 98-4, 6-15-98)
6. Accessory Uses or Buildings: Accessory uses and accessory buildings or structures are permitted subject to the following: (amd. Ord. 06-06, 5-15-06)
 - (a) They shall be located within the required rear yard, and shall maintain a side and rear setback of six feet (6') in residential districts and ten feet (10') in business districts, or the distance of an existing easement, whichever is greater. (amd. Ord. 06-03, 5-1-06)
 - (b) There may be two (2) accessory uses per lot, except that only one use may be a building, and the two (2) uses shall not be identical. For purposes of this limitation, a gazebo shall not be considered a building.
 - (c) The height of any building or structure shall not exceed thirteen feet (13') or the height of the primary structure, whichever is less. The area of any building or structure shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet. (amd. Ord. 99-42, 12-6-99)
 - (d) Any side or sides abutting a street shall be screened as follows: at the time of construction (or if weather requires, no later than six (6) months after construction), evergreens will be planted which shall be of a variety which, at maturity, shall grow together when planted ten feet (10') on center, and shall be at least five feet (5') in height when planted. If the rear yard is completely enclosed by a privacy fence six feet (6') in height, then the landscaping screening requirement shall be waived. (amd. Ord. 06-33, 11-6-06)
 - (e) The square footage of all uses permitted hereunder shall not exceed sixty percent (60%) of the actual rear yard.
 - (f) A patio or deck that is attached to the primary structure and which meets the required rear yard setback shall not be considered an accessory use. Should the patio or deck encroach into the required rear yard, subject to the other requirements of this Section, it shall be counted as one (1) accessory use. (Ord. 93-30, 3-21-94; amd. Ord. 98-4, 6-15-98)
7. Garages: A garage may replace an existing garage and shall be allowed in areas in which a reduced landscaped yard is allowed subject to the following:
 - (a) The garage shall not exceed twenty-four and one-half feet (24 1/2') in width or length.
 - (b) The new garage cannot be any closer to the rear or side lot line than the existing garage and in no event shall its wall be closer than two feet (2') or its eaves closer than one foot (1') from the side property line.
 - (c) Notwithstanding the other provisions of this Chapter, a driveway for a garage which meets the requirements of this Section may be located as close to the side property line as is allowed for the garage. (amd. Ord. 00-12, 7-17-00)

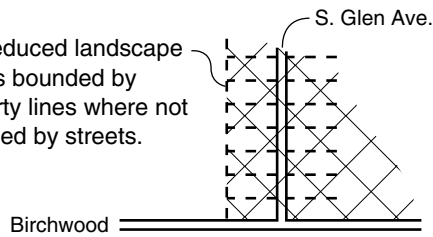
- (E) Front Yards To Be Measured From Edge Of Proposed Right Of Way: Where the street(s) upon which a property fronts is below the proposed right of way width, as indicated on the Morton Official Map, the required front yard shall be measured from the edge of the proposed right of way line which, unless otherwise indicated, shall be a line parallel to the edge of the existing right of way and set into the property a distance equal to one-half (1/2) the distance the existing right of way is below the proposed width.
- (F) Drives, Parking, And Loading Areas To Be Surfaced: All drives and parking areas are to be surfaced as follows:
1. For all uses except industrial uses, all drives, parking, and loading areas shall be hard surfaced with bituminous concrete or concrete.
 2. For industrial uses, the traveled area through the property shall be paved with bituminous concrete, concrete, A-3, or equivalent.
 3. All other drives, parking, loading, and storage areas for which hard surfaced paving is not required shall be graveled and maintained in a dust-free condition.
- (G) Landscaped Front Yards Required: All uses in all districts, except agricultural uses, shall maintain a landscaped yard twenty five feet (25') in depth measured from edge of proposed ROW, except those lots within the area indicated on the following map are required to provide a landscaped yard of ten feet (10') in depth as measured from the edge of the proposed ROW.

Area in Which a Reduced Landscaped Yard is Allowed



Property Line Boundary Example

The reduced landscape area is bounded by property lines where not bounded by streets.



- (f) PWSFs that are proposed for placement on Interstate signs.
 - (g) PWSFs that are proposed for placement on traffic signals.
 - (h) Tier Two applications shall meet all Location, Siting, Design, and Safety Standards in this ordinance.
 - (i) Maps are available at the Village of Morton showing facilities as described above.
3. Tier Three: All applications that do not qualify as either Tier One or Tier Two shall be considered Tier Three applications for special use permits.
- (a) Tier Three applications shall meet all Location, Siting, Design, and Safety Standards in this ordinance.
 - (b) Special use permits shall be reviewed, approved, or denied as provided for in the Morton Zoning Ordinance Section 10-10-2.
 - (c) Notwithstanding the foregoing, Tier Three applications on property owned by the Village of Morton shall not be subject to the special use process, nor shall they be subject to location, siting or design standards in this ordinance. They shall be subject to all safety standards. (amd. Ord. 11-05, 5-2-11)

(C) Process of Review, Approval, or Denial.

1. Tier One Review and Approval/Reassignment to Tier Two: All Tier One applications shall meet the SPW's specifications and shall be reviewed by the SPW for administrative approval of a building permit.
 - (a) Review and direct the Zoning Officer to grant a building permit.
 - (b) Review and direct the Zoning Officer to reassign the application for a Tier Two review.
2. Tier Two Review and Approval/Denial: The SPW shall review (or cause the Zoning Officer to review) Tier Two applications. The SPW shall act on Tier Two applications in one of the following ways:
 - (a) Review and make recommendations to the applicant for filing a modified request.
 - (b) Review the request and direct the Zoning Officer to grant a building permit.
 - (c) Review and deny the request.
 - (d) Prepare a report on the application and the denial for the Board of Trustees.
3. Tier Three Review and Recommendation to the Village of Morton Plan Commission and Board of Trustees for Approval/Denial: All Tier Three applications shall be reviewed by the SPW for a special use permit. The SPW shall prepare a report to the Plan Commission. The Plan Commission shall act on these applications in accordance with Morton Zoning Ordinance Section 10-10-2 by preparing written recommendations to the Village of Morton Board of Trustees for one of the following:
 - (a) Review and recommend special use permit.
 - (b) Review and recommend special use permit with conditions.
 - (c) Review and recommend denial of special use permit.

(d) All recommendations of the Plan Commission shall be forwarded to the Board of Trustees for final action. The Board of Trustees may accept, deny, or modify the Plan Commission recommendation.

4. All decisions resulting in approvals or disapprovals by the Plan Commission and Board of Trustees shall be in writing and supported by findings of fact and conclusions of law based upon competent substantial evidence in the record.

(D) Special Provisions for Omni Directional Antenna/Vertical Sector Panel:

1. An omni directional antenna may be placed on any Tier One or Tier Two structure, provided that its diameter does not exceed three inches (3") at its widest point and it does not exceed ten feet (10') in length. Three vertical sector panels may be placed on any Tier One or Tier Two structure, provided they meet the following specifications: twenty one and one half inches (21 1/2") long, seven inches (7") wide and three inches (3") deep.
2. Any equipment cabinet/equipment shelter installed in conjunction with the omni directional antenna or vertical sector panel must meet all applicable ordinances.
3. An omni directional antenna or vertical sector panel installed on a Tier Two structure does not have to meet the location, sitting, or design and safety standards. (amd. Ord. 02-18, 9-3-02)

13-1-8: **STANDARDS:** The approval of any PWSF, other than Tier One applications, shall be subject to meeting or exceeding the following standards:

(A) Location Standards:

1. Opportunity Sites: A PWSF should be located at an opportunity site. Opportunity sites are as follows:
 - (a) Rooftops on any building other than single family dwellings.
 - (b) Utility poles, including telephone poles, utility distribution and transmission poles, treetlights (not owned by the Village of Morton), and traffic signal stanchions.
 - (c) Other kinds of poles, including Civil Defense mounts, public field light standards, and private parking or storage lot light standards.
 - (d) Wooded areas.
 - (e) Steeples on churches already having steeples or on newly constructed steeples.
 - (f) Interstate "high" signs, already subject to permit by the Village of Morton.
2. Avoidance Areas: A PWSF should not be located in an Avoidance Area. Avoidance Areas are as follows:
 - (a) Flood-prone areas, as mapped by the Federal Emergency Management Agency on a Flood Insurance Rate Map.
 - (b) Wetlands, water bodies, and watercourses, as mapped by the Illinois Department of Natural Resources.
 - (c) Visual corridors, as mapped by the Village of Morton.

3. These location standards shall be considered directory but not mandatory. Interpretation of opportunity sites and avoidance areas shall be based on the Village of Morton Geographic Information System (GIS) or maps.
4. PWSFs may also be permitted in areas that are not opportunity sites, subject to the following siting, design, and safety standards, and permitted in avoidance areas, subject to the following siting, design, and safety standards.
5. These standards apply regardless of radio frequency (RF) engineering considerations.

(B) Siting Standards: PWSFs should meet the following siting standards. These standards are directory, not mandatory.

1. To the greatest extent possible, PWSFs should be concealed within existing structures or where camouflaged conditions surround them, or on inconspicuous mounts.
2. Placement within trees should be encouraged, but no antennas should extend higher than ten (10) feet above the average tree height.
3. Placement on existing roofs or non-wireless structures should be favored over ground-mounted PWSFs.
4. Roof-mounted PWSFs should not project more than ten (10) additional feet above the height of a legal building, but in no event above the height limit of the zoning district within which the PWSF is located.
5. Side-mounted PWSFs should not project more than twenty (20) inches from the face of the mounting structure.
6. These standards apply regardless of RF engineering considerations.

(C) Design Standards: PWSFs should meet the following design standards. These standards are directory, not mandatory.

1. Color: All PWSFs should be painted or complementary with natural tones (including trees and sky).
2. Size: The silhouette of the PWSF should be reduced to the minimum visual impact.
3. PWSFs near residences should either:
 - (a) Provide underground vaults for equipment shelters, or
 - (b) Place equipment shelters within enclosed structures approved by the Village of Morton.
4. Equipment: The following types of equipment should be discouraged:
 - (a) Roof-mounted monopoles, lattice towers, or guyed towers.
 - (b) Ground-mounted lattice towers.
 - (c) Ground-mounted guyed towers.
 - (d) Metal towers shall be constructed of, or treated with, corrosive resistant material. Wood poles shall be impregnated with rot-resistant substances.

5. Height should be kept to a minimum:

- (a) Height of PWSFs should be no greater than the uppermost height of nearby structures within three hundred (300) horizontal feet (when measured on the ground), regardless of prevailing height limits in the zoning district.
- (b) In the event there are no nearby buildings within three hundred (300) horizontal feet (when measured on the ground) of the proposed site of the PWSF, the following should apply:
 - 1. All ground-mounted PWSFs (including the security barrier) should be surrounded by nearby dense tree growth for a radius of twenty (20) horizontal feet (when trunk centerlines are measured on the ground) from the PWSF in any direction. These trees can be existing on the subject property or installed to meet the twenty (20) foot requirement as part of the proposed PWSF, or they can be a combination of both.
 - 2. Ground-mounted PWSFs should not project more than ten (10) feet above the average tree height.

6. These standards apply regardless of RF engineering considerations.

(D) Safety Standards: PWSFs should meet the following safety standards. These standards are directory, not mandatory.

- 1. Tornado design standards should be those of the building code used in the Village of Morton or EIA-TIA 222 (latest version), whichever is stricter.
- 2. Roof mounts on buildings should have railings to protect workers.
- 3. All transmission cables and cable trays deployed horizontally above the ground between a mount and a structure, or between mounts, shall be at least eight (8) feet above the ground at all points unless buried underground.
- 4. All construction of PWSFs shall be in compliance with the National Electrical Code.

13-1-9: **FALL ZONE; SETBACK REQUIREMENTS:**

(A) Fall Zone: No habitable structure or outdoor area where people congregate should be within a fall zone of the height of the PWSF except on property owned by the Village of Morton. This provision shall apply only to Tier Three applications.

(B) Setback, except on property owned by the Village of Morton that is adjacent to property with no structures within the Fall Zone area: (amd. Ord. 10-37, 3-21-11)

- 1. All PWSFs, including mounts and equipment shelters, shall comply with the minimum setback requirements of the applicable zoning district as set forth in the Village of Morton Zoning Ordinance. In addition, mounts shall be located on the lot in such a manner that in the event of a collapse, the structure and supporting devices shall be contained within the confines of the property lines.
- 2. Structural elements such as peripheral anchors, guy wires, or other supporting devices shall be located no closer than ten feet (10') to any property line.
- 3. The antenna array for an attached PWSF is exempt from the setback requirements of this ordinance and from the setback for the zoning district in which they are located, provided that no such antenna array shall extend more than five feet (5') horizontally from the attachment structure at the point of attachment.

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 219 - July 2011
Includes Ordinances: 11-07, 11-09

REMOVE PAGES HEADED

TITLE 1

TITLE 1 ADMINISTRATIVE

TITLE 2

TITLE 2 BOARDS AND COMMISSIONS

TITLE 3

TITLE 3 BUSINESS REGULATIONS

3-8-4 Class G holder: On Monday..

TITLE 6

TITLE 6 POLICE REGULATIONS

TITLE 8

TITLE 8 PUBLIC WAYS AND PROPERTY

TITLE 10

10-5-4 (F) Zero Lot Line

INSERT PAGES HEADED

TITLE 1 ADMINISTRATIVE

TITLE 2 BOARDS AND COMMISSIONS

TITLE 3 BUSINESS REGULATIONS

3-8-4 Class G holder: On Monday..

TITLE 6 POLICE REGULATIONS

TITLE 8 PUBLIC WAYS AND PROPERTY

10-5-4 (F) Zero Lot Line

PREFACE

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

11-07, June 6, 2011

11-09, June 20, 2011

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.

TITLE 1
ADMINISTRATIVE

Subject	Chapter
Village Code	1
Savings Clause	2
Definitions	3
Penalty	4
Board Of Trustees	5
President	6
Clerk	7
Treasurer	8
Corporation Counsel	9
Superintendent Of Public Works	10
Village Collector	12
Water, Sewer, And Gas Inspector	13
Officers And Employees	14
Village Jail	15
Corporate Seal	16
Fiscal Year/Inauguration	17
Surety Bonds	18
Illinois Municipal Retirement Fund	19
Village Engineer	20
Vacancies In Municipal Office	21
Freedom Of Information Officers	22

TITLE 2
BOARDS AND COMMISSIONS

Subject	Chapter
Plan Commission	2
Board Of Local Improvements	3
Board Of Fire And Police Commissioners	4
Police Pension Fund Board	5
Emergency Services And Disaster Agency	6
Board Of Appeals	7
Business District Development and Redevelopment Commission8

TITLE 3
BUSINESS REGULATIONS

Subject	Chapter
Licenses And Permits	1
Business District Retailers' Occupation Tax And Business District Service Occupation Tax	2
Liquor	8
Itinerant Merchants, Peddlers	9
Junk Dealers	10
Peddlers (Rep. by Ord. 93-21, 1-3-94)	11
Foreign Fire Insurance Companies	12
Public Solicitations (Rep. by Ord. 93-17, 11-15-93)	14
Abandoned, Lost, Stolen, Or Unclaimed Vehicles	19
Registration Of Residential Solicitors	20
Regulation Of Adult Businesses	21
Hotel Or Motel Room Renting Tax	23
Dance Halls	24
Simplified Municipal Telecommunications Tax	25
Municipal Telecommunication Tax Rebates	26
Cable/Video Service Provider Fee	27
Tax On Sale Of Gas	28

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.

Class H holder: Allowed by the granting of same. (amd. Ord. 11-02, 5-2-11)

- (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-1	Zero (0)
Class A-2	Five (5)
Class A-3	Zero (0)
Class A-4	One (1)
Class B-1	Three (3)
Class B-2	Eleven (11)
Class B-3	Three (3)
Class C	One (1)
Class D	Two (2)
Class E	Six (6)
Class F	No specific limit
Class G	One (1)
Class H	No specific limit

(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; amd. Ord. 10-23, 11-15-10; amd. Ord. 10-34, 2-21-11; amd. Ord. 10-40, 4-4-11; amd. Ord. 11-02, 5-2-11; amd. Ord. 11-09, 6-20-11)

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.

TITLE 6
POLICE REGULATIONS

Subject	Chapter
Police Department	1
General Offenses	2
Animals	3
Minors	4
Weeds (Rep. by Ord. 96-40, 4-7-97)	5
Shooting Events	7
Regulation And Control Of Garbage, Refuse, And Ashes (Rep. by Ord. 96-40, 4-7-97)	8
Possession Or Consumption Of Tobacco By Minors ..	9
Parking Or Storing Junk, Inoperable Motor Vehicles, And Motor Vehicle Parts	10
Dangerous/Vicious Animals	11

TITLE 8
PUBLIC WAYS AND PROPERTY

Subject	Chapter
Rights Of Way, Streets, Alleys, Sidewalks, And Driveways	1
Gas Distribution Department	2
Wastewater Treatment And Collection System	3
Waterworks And Water Distribution System	4
Storm Water Utility	5
Weeds	6
Storm Drains	7
Maintenance Of Private Property	8
Street Names (Rep. by Ord. 96-22, 10-7-96)	9
Discharging Of Sump Pumps And Perimeter Tiles Into Sanitary Sewers	10
Underground Electric Service	11
Utility Equipment	12
Basic Annexation Fees	13
Deferred Annexation Fees	14
Utility Billing And Collection Policies And Procedures .	15

- (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 eighty-five percent (85%) of the platted lots in any subdivision may be subdivided. (amd Ord. 11-07, 6-6-11)
 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').

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 220 - August 2011
Includes Ordinances: 11-12, 11-14, 11-15, 11-16, 11-17, 11-18

REMOVE PAGES HEADED

INSERT PAGES HEADED

TABLE OF CONTENTS

Table of Contents

Table of Contents

TITLE 1

1-8-1 CHAPTER 8
TREASURER

1-8-1 CHAPTER 8
TREASURER

TITLE 3

3-8-4 Class G holder: On Monday..

3-8-4 Class G holder: On Monday..

TITLE 8

TITLE 8 PUBLIC WAYS AND PROPERTY
(Blue Index Sheet)

TITLE 8 PUBLIC WAYS AND PROPERTY
(Blue Index Sheet)

8-16-1 CHAPTER 16
DEDICATION OF LAND...

8-16-1 CHAPTER 16
DEDICATION OF LAND...

TITLE 9

9-4-51 TRUCK ROUTES:
(and the following page)

9-4-51 TRUCK ROUTES:
(and the following page)

9-6-2 Thoroughfare
(GG) E. Jackson St.

9-6-2 Thoroughfare
(GG) E. Jackson St.

TITLE 12

12-3-1 CHAPTER 3
EMPLOYEE POLICIES AND...

12-3-1 CHAPTER 3
EMPLOYEE POLICIES AND...

12-3-16 Requests for leave...

12-3-16 Requests for leave...

ALPHABETICAL INDEX

-A- APPOINTMENT (cont)

-A- APPOINTMENT (cont)

PREFACE

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

11-12, July 18, 2011
11-14, July 18, 2011
11-15, July 18, 2011
11-16, July 18, 2011
11-17, July 18, 2011
11-18, July 18, 2011

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.

Table of Contents

TITLE 1

Administrative

Village Code 1
 Savings Clause 2
 Definitions 3
 Penalty 4
 Board Of Trustees 5
 President 6
 Clerk 7
 Treasurer 8
 Corporation Counsel 9
 Superintendent Of Public Works 10
 Village Collector 12
 Water, Sewer, And Gas Inspector 13
 Officers And Employees 14
 Village Jail 15
 Corporate Seal 16
 Fiscal Year/Inauguration 17
 Surety Bonds 18
 Illinois Municipal Retirement Fund 19
 Village Engineer 20
 Vacancies In Municipal Office 21
 Freedom Of Information Officers 22

TITLE 2

Boards And Commissions

Plan Commission 2
 Board Of Local Improvements 3
 Board Of Fire And Police Commissioners ... 4
 Police Pension Fund Board 5
 Emergency Services And Disaster Agency ... 6
 Board Of Appeals 7
 Business District Development and
 Redevelopment Commission 8

TITLE 3

Business Regulations

Licenses And Permits 1
 Business District Retailers' Occupation
 Tax and Business District Service
 Occupation Tax 2
 Liquor 8
 Itinerant Merchants, Peddlers 9
 Junk Dealers 10
 Peddlers (Rep. by Ord. 93-21, 1-3-94) 11
 Foreign Fire Insurance
 Companies 12
 (Rep. by Ord. 93-17,11-15-93) 14
 Abandoned, Lost, Stolen,
 Or Unclaimed Vehicles 19
 Registration Of Residential
 Solicitors 20
 Regulation Of Adult Businesses 21
 Renting Tax 23
 Dance Halls 24
 Simplified Municipal Telecommunications
 Tax 25
 Municipal Telecommunication Tax
 Rebates 26
 Cable/Video Service Provider Fee 27
 Tax On Sale Of Gas 28

TITLE 4

Building Regulations

Building Code And Building Permits 1
 Plumbing Codes 2
 Housing Code 3
 Electrical Code 4
 Violations 5

TITLE 5

Fire Regulations

Fire Department 1
 Fireworks 2
 Fire Prevention Code 3
 Fire Detection Systems 4
 Paramedic Services 5
 Fire Hydrants 6

TITLE 6

Police Regulations

Police Department 1
 General Offenses 2
 Animals 3
 Minors 4
 Weeds (Rep. by Ord. 96-40, 4-7-97) 5
 Shooting Events 7
 Regulation And Control Of Garbage, Refuse,
 And Ashes (Rep. by Ord. 96-40, 4-7-97) ... 8
 Possession Or Consumption Of Tobacco
 By Minors 9
 Parking Or Storing Junk, Inoperable Motor
 Vehicles, And Motor Vehicle Parts 10
 Dangerous/Vicious Animals11

TITLE 7

Health and Sanitation

(Reserved For Future Use) 1
 Garbage and Refuse 2
 (Reserved For Future Use) 3

TITLE 8

Public Ways And Property

Right Of Ways, Streets, Alleys,
 Sidewalks, And Driveways 1
 Gas Distribution Department 2
 Wastewater Treatment And
 Collection System 3
 Waterworks And Water Distribution System .. 4
 Storm Water Utility 5
 Weeds 6
 Storm Drains 7
 Maintenance Of Private Property 8
 Street Names
 (Rep. by Ord. 96-22, 10-7-96) 9
 Discharging Of Sump Pumps And
 Perimeter Tiles Into Sanitary Sewers 10
 Underground Utility Service 11
 Utility Equipment 12
 Basic Annexation Fees 13
 Deferred Annexation Fees 14
 Utility Billing And Collection Policies
 And Procedures 15
 Dedication of Land for Bike Path16

TITLE 9

Traffic

Definitions 1
 Enforcement 2
 Pedestrians 3
 Rules Of The Road 4
 Condition Of Vehicles 5
 Parking 6
 Drivers 7
 Bicycles 8
 Through; One-Way Streets 9
 Yield Intersections 10
 Left Turn Lanes 11
 Traffic Right Of Way, Encroachment 12
 Parking During Snow Removal 13
 Prohibition On Skateboarding 14
 Trespasses Prohibited 15

CHAPTER 8
TREASURER

SECTION:

- 1-8-1: Appointment; Compensation
- 1-8-2: Bond
- 1-8-3: General Duties
- 1-8-4: Deposit Of Funds
- 1-8-5: Records
- 1-8-6: Accounting
- 1-8-7: Checks
- 1-8-8: Assistant Treasurer

1-8-1: **APPOINTMENT; COMPENSATION:** The office of Treasurer shall be appointed by the President and Board of Trustees, and the Treasurer shall receive such compensation at the rate of twenty four thousand dollars (\$24,000.00) per year. (Ord. 97-35, 2-16-98; amd. Ord. 00-17, 7-17-00)

1-8-2: **BOND:** He shall give a bond before entering upon his duties, in the sum required by the Board of Trustees, but such amount shall not be less, or more, than that required by Statute.¹ This bond shall be conditioned to indemnify the Village for any loss by reason of any neglect of duty or any act of the Treasurer. (1944 Code, Sec. 27)

1-8-3: **GENERAL DUTIES:** The Treasurer shall perform such duties as may be prescribed by Statute or Ordinance. The Treasurer shall oversee the receipt of all money paid into the Village, either directly from the person paying the money, or from the hands of such other official or employee as may receive it, and shall oversee the pay out of money only on vouchers or orders properly signed by the President and designated member of the Board of Trustees.² (1944 Code, Sec. 28; amd. Ord. 97-35, 2-16-98; amd. Ord. 10-17, 9-7-10)

(A) The Treasurer shall be the custodian of all funds belonging to the Village of Morton. The Treasurer is authorized to oversee receipt of all funds due the Village, and shall keep a record of these activities and books which show a separate account for each fund. The Treasurer shall also be the custodian of the police and firemen pension funds. (amd. Ord. 10-17, 9-7-10)

(B) The Treasurer shall have the following responsibilities:

1. Payroll Cycle. The Treasurer will receive the payroll clearing account bank statement unopened from the bank and will oversee the preparation of the monthly bank reconciliation. The reconciled bank balance will be compared to the general ledger balance on a monthly basis.

¹ 65 ILCS 5/3-14-3.

² 65 ILCS 5/3-13-2.

2. Accounts Receivable/Cash Receipts and Accounts Payable/Cash Disbursements. The Treasurer will receive all bank statements unopened and oversee the preparation of the bank reconciliation for all financial institution accounts.

In addition, the treasurer will be responsible for reviewing and approving all proposed accounts receivable adjustments as recommended by the business manager.

The Treasurer shall oversee the deposit of and record all miscellaneous receipts. (amd. Ord. 10-17, 9-7-10)

3. Accounting Records/General Ledger. The Treasurer will review all subsidiary ledger reconciliation to the general ledger on a monthly basis.
4. Audits. The Treasurer will be available to consult with the business manager and Village Board of Trustees on various audit matters.
5. Internal Controls. The business manager and Treasurer are responsible for monitoring and revising the internal control structure of the Village, subject to approval by the Village Board of Trustees.
6. Cash Flow Requirements. The Treasurer will consult with the business manager and Village Board of Trustees on cash flow requirements.

The Treasurer will be responsible for investment of Village funds, per guidelines established by the Village Board of Trustees, recording all investment transactions in the general ledger, maintaining a detailed listing of all investments including holder of the funds, amount, investment date, maturity date, rate of annual return, and payment frequency, and provide a copy to the Village Trustees on a quarterly basis beginning with a report as of June 30, 2000. This listing will be reconciled to the appropriate general ledger accounts on a monthly basis.

7. Legal and Regulatory Matters. The Treasurer will be responsible for being current on all legal and regulatory matters applicable to the Treasurer's functions and responsibilities.
8. Police and Firemen Pension Treasurers. The Treasurer shall be custodian of the Police Pension Fund and the Firemen Pension Fund.
9. The Treasurer shall perform such other duties applicable to the Treasurer's functions and responsibilities as may be prescribed from time to time by the Village Board of Trustees. (amd. Ord. 00-17, 7-17-00)

1-8-4: **DEPOSIT OF FUNDS:** The Treasurer shall oversee the deposit of Village funds in the following depositories: Heartland Bank and Trust Company (Morton division), Morton Community Bank (Morton division), PNC Bank (Morton division), Commerce Bank, Peoria, IL, JP Morgan Chase Bank, N.A., South Side Trust and Savings Bank, Peoria, IL, United States Department of the Treasury, Bureau of the Public Debt (Treasury Direct), and State of Illinois Public Treasurer's Investment Pool. The Treasurer shall keep the deposit of the Village money separate and distinct from his own money and shall not make private or personal use of any Village money. (amd. Ord. 10-17, 9-7-10; amd. Ord. 11-18, 7-18-11)

The amount of public funds deposited in a financial institution shall not exceed the amount of insurance provided by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation unless the amount by which such deposit exceeds the applicable insured amount is collateralized. For purposes of this procedure the Treasurer is authorized to accept only United States Government bonds or treasury bills as collateral. (Ord. 82-16, 1-17-83; amd. Ord. 01-22, 10-1-01; amd. Ord. 08-21, 10-20-08)

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.

Class H holder: Allowed by the granting of same. (amd. Ord. 11-02, 5-2-11)

- (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-1	Zero (0)
Class A-2	Five (5)
Class A-3	Zero (0)
Class A-4	One (1)
Class B-1	Three (3)
Class B-2	Eleven (11)
Class B-3	Three (3)
Class C	One (1)
Class D	Two (2)
Class E	Seven (7)
Class F	No specific limit
Class G	Zero (0)
Class H	No specific limit

(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; amd. Ord. 10-23, 11-15-10; amd. Ord. 10-34, 2-21-11; amd. Ord. 10-40, 4-4-11; amd. Ord. 11-02, 5-2-11; amd. Ord. 11-09, 6-20-11; amd. Ord. 11-16, 7-18-11)

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.

TITLE 8
PUBLIC WAYS AND PROPERTY

Subject	Chapter
Rights Of Way, Streets, Alleys, Sidewalks, And Driveways	1
Gas Distribution Department	2
Wastewater Treatment And Collection System	3
Waterworks And Water Distribution System	4
Storm Water Utility	5
Weeds	6
Storm Drains	7
Maintenance Of Private Property	8
Street Names (Rep. by Ord. 96-22, 10-7-96)	9
Discharging Of Sump Pumps And Perimeter Tiles Into Sanitary Sewers	10
Underground Electric Service	11
Utility Equipment	12
Basic Annexation Fees	13
Deferred Annexation Fees	14
Utility Billing And Collection Policies And Procedures .	15
Dedication of Land for Bike Path	16

CHAPTER 16

DEDICATION OF LAND FOR BIKE PATH

SECTION:

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

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

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

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

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

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

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

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. 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.
 3. East Jefferson Street from North Oregon Avenue to a point seven hundred fifty feet (750') east of Tennessee Avenue.

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. West Jefferson Street from Bond Street to I-74.
5. West Lakeland Road from North Morton Avenue to Ossami Lake Drive.
6. North Main Street from the TP&W Railroad tracks to North Nebraska Avenue.
7. North Main Street from the Norfolk Southern Railroad tracks to a point five hundred feet (500') south of the northern corporate limits line.
8. South Main Street from Birchwood Street to Jadewood Street.
9. North Morton Avenue from Lakeland Road to Lynnwood Court.
10. East Queenwood Road from South Main Street to a point six hundred feet (600') east of South Second Avenue.
11. West Queenwood Road from South Main Street to a point one thousand feet (1,000') west of South Main Street.
12. 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; amd. Ord. 10-41, 4-25-11, amd. Ord. 11-15, 7-18-11)

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

1. Courtland Street. (amd. Ord. 11-15, 7-18-11)
2. Detroit Avenue from Detroit Parkway to a point one thousand five hundred feet (1,500') south of West Jackson Street.
3. South Fourth Avenue from East Idlewood Street to East Queenwood Road.
4. Harding Road from North Main Street to the eastern corporate limits line.
5. South Main Street from Jadewood Street to I-155.
6. North Morton Avenue from I-74 to Lakeland Road.
7. East Queenwood Road from a point six hundred feet (600') east of South Second Avenue to South Fourth Avenue.
8. 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; amd. Ord. 10-22, 11-15-10; amd. Ord. 10-41, 4-25-11)

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

1. Detroit Avenue from West Birchwood Street to Detroit Parkway.
2. East Jefferson Street from a point 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 Southern 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 South Fourth 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 (1,300') north of East Jackson Street to the northern corporate limits line and from a point five hundred feet (500') south of East Jefferson Street to the southern corporate limits line. (amd. Ord. 09-01, 5-4-09; amd. Ord. 10-22, 11-15-10; amd. Ord. 10-41, 4-25-11)

(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 a point 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)

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(GG)	E. Jackson St.	Both sides Both sides North side North side North side South side South side South side	From N. Main to N. First From N. Montana to the eastern corporate limits. From N. Second to N. Third. From N. Third to N. Kansas, between 8:00 A.M. and 4:00 P.M. on school days. From N. Missouri to 70' west of N. Missouri. From N. Third to N. Illinois. From the intersection of E. Jackson and N. Illinois, the following areas shall be specifically designated as no parking areas: (1) From said intersection to 80' east of the intersection. (2) Between the points 80' east and 200' east of said intersection, between 8:00 A.M. and 4:00 P.M. on school days. (3) Between the points 200' east and 800' east of said intersection. From N. Missouri to 110' west of N. Missouri.
(HH)	W. Jackson St.	Both sides	
(II)	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 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.
(JJ)	W. Jefferson St.	North side North side South side South side South side South side	From Bradley to the western corporate limits line. From Main to 75' west of Main. From 225' east of Pershing to 250' west of Maple. From S. Plum to 85' west of S. Plum. From Main to 290' west of Main. From 430' east of McArthur to the western corporate limits line.
(KK)	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.
(LL)	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.

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(MM)	E. Madison St.	Both sides	From N. Main to N. First.
(NN)	W. Madison St.	South side	From N. Main to Bradley.
(OO)	N. Main St.	Both sides East side East side West side West side	From 160' south of N. Third to the northern corporate limits. 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.
(PP)	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. From Jefferson to 170' south of Jefferson. From 280' north of Birchwood to 130' south of Crestwood. From Fernwood to the southern corporate limits. From Jefferson to 65' south of Jefferson.
(QQ)	S. Maple Ave.	West side	From W. Jefferson to W. David.
(RR)	N. McArthur Ave.	Both sides	From W. Jackson to Alexander.
(SS)	S. McArthur Ave.	East side	From W. Jefferson to W. David.
(TT)	E. Monroe St.	Both sides North side South side	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. From N. Main to N. Illinois. 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.
(UU)	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.
(VV)	N. Nebraska Ave.	Both sides	From N. Main to 100' east of N. Main.
(WW)	S. Nebraska Ave.	Both sides	South of E. Idlewood.
(XX)	Penn St.	Both sides	From S. First to Clifton.
(YY)	S. Pershing Ave.	Both sides	From W. Jefferson to end of street.
(ZZ)	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.
(AAA)	S. Plum Ave.	Both sides East side	From W. Adams to W. Washington. From W. Jefferson to W. Adams.
(BBB)	E. Queenwood Rd.	Both sides	
(CCC)	W. Queenwood Rd.	Both sides	

CHAPTER 3

EMPLOYEE POLICIES AND BENEFITS

SECTION:

- 12-3-1: Salaries
- 12-3-2: Hours of Employment, Overtime, Holidays, And Holiday Pay
- 12-3-3: Longevity Increases
- 12-3-4: Vacations
- 12-3-5: Emergency Leave
- 12-3-6: Sick Leave
- 12-3-7: Family And Medical Leave Act (FMLA)
- 12-3-8: Funeral Leave
- 12-3-9: Discretionary Bonuses
- 12-3-10: Insurance
- 12-3-11: Applicants For Employment
- 12-3-12: Educational Assistance Policy
- 12-3-13: Employment Length From Date Of Absence
- 12-3-14: Drug And Alcohol Abuse Policy
- 12-3-15: Residency Of Employees
- 12-3-16: Leave Without Pay
- 12-3-17: New Hires Above Salary Level 18

12-3-1: **SALARIES:**

- (A) The President and Board of Trustees shall, from time to time, adopt a Base Salary Schedule. Said Base Salary Schedule shall remain in full force and effect until modified by subsequent action by the Board of Trustees.
- (B) The salaries of all elected municipal officials and other employees that are set by ordinance shall not be a part of the Base Salary Schedule.
- (C) It shall be the policy of the Board of Trustees to review on January 1 of each year the current salaries of all municipal employees and determine whether any adjustments are appropriate. In making said determination, the Board of Trustees shall consider the prevailing economic conditions, comparable employment markets, and the consumer price index fluctuations, as applied to the average salaries of all municipal employees.
- (D) Supervisors, at their discretion, may hire new employees with a starting salary between Step A and Step C of the Base Salary Schedule if doing so is, in the opinion of the supervisor, warranted because of such factors as the employment market conditions at the time of hire and the experience and/or qualifications of the employee.
- (E) Any merit pay increases (i.e., any pay greater than Step C in the Base Salary Schedule), that may from time to time be granted by the applicable supervisor of a particular employee, shall be subject to the following guidelines:
 1. Any such increases apply only to full-time employees.
 2. To be eligible for a merit increase, an employee shall have been employed for a consecutive period of at least one (1) year, three (3) months, and one (1) day.
 3. Merit pay increases shall only be granted January 1 of each year.

4. The length of time an employee has been employed, for purposes of determining his eligibility, shall be determined each January 1.
5. Any merit pay increase granted shall not exceed twenty percent (20%) of the difference between Step C pay and Step D pay. The intent of these guidelines is to make it clear that the fastest possible method of increasing an employee's salary between Step C and Step D would be for a twenty percent (20%) increase at the first eligible date and twenty percent (20%) increase on each applicable subsequent date.
6. The above guidelines are to be considered as the maximum limitation on increases and shall not be construed as any indication that such increases are to be considered automatic or mandatory. Rather, each supervisor should carefully consider whether each employee is deserving of such an increase based on performance.

- (F) An employee of the Gas Distribution Department who becomes a certified gas pipeline welder may receive Technical Pay of one hundred dollars (\$100) per month. Said Technical Pay may be allowed at the discretion of the Superintendent of the Gas Distribution Department and the Superintendent of Public Works. The Superintendent of the Gas Distribution Department shall be responsible for determining that the employee has, in fact, been certified as a gas pipeline welder. Such Technical Pay shall be effective the month following attainment of the certification, provided that the Superintendent of the Gas Distribution Department and the Superintendent of Public Works have approved same.
- (G) Any Paramedic Technician who performs the additional duties of Shift Supervisor shall receive additional pay of fifty cents (\$0.50) per hour, in addition to the pay received pursuant to the Base Salary Schedule. Any Paramedic Technician who performs the duties of Lead Paramedic shall receive additional pay of fifty cents (\$0.50) per hour, in addition to the pay received pursuant to the Base Salary Schedule. An individual may receive additional pay for performing both the duties of Shift Supervisor and Lead Paramedic.
- (H) While "on-call", employees of the Public Works Department shall receive on-call pay as follows:
1. Employees of the Street Department, the Wastewater Treatment Department, and the Water Treatment Department shall receive twenty five dollars (\$25) per day.
 2. Employees of the Gas Distribution Department and the Water Distribution Department shall receive fifty dollars (\$50.00) per day.
(amd. Ord. 07-53, 1-7-08)

12-3-2: **HOURS OF EMPLOYMENT, OVERTIME, HOLIDAYS, AND HOLIDAY PAY:**

- (A) Employees shall work forty (40) hours per week, except the Chief of Police, Deputy Chief of Police, Director of Fire and Emergency Medical Services, Superintendent of Public Works, Business Manager, and Zoning Enforcing Officer. (amd. Ord. 06-16, 7-10-06)

Those employees shall be expected to work a reasonable amount of time so that they can accomplish their job functions in a manner acceptable to the President and Board of Trustees. It is the policy of the President and Board of Trustees that, provided these employees are performing their job in a satisfactory manner, they can, on an occasional basis, take time off without using vacation time.

Requests for leave without pay not exceeding forty (40) working hours shall be submitted as far in advance as possible. Except for emergency situations, requests for leave without pay exceeding forty (40) working hours shall be submitted at least two (2) calendar weeks prior to the date the leave is requested to begin.

- (C) Leave without pay will be considered for satisfactory performing employees on the basis of the nature of the request, the service needs of the Village, and whether approval of the leave without pay would be detrimental to the operations of the department. The Village reserves the right, in its sole discretion, to determine the appropriateness of a request for leave without pay. Approval of leave without pay is not guaranteed.
- (D) Prior to the expiration of a granted leave without pay, the employee may request an extension of the leave without pay in the same manner as the original leave. Leave without pay, including any extensions thereof, shall not exceed one (1) calendar year.
- (E) An employee returning from leave without pay shall be reinstated to the employee's prior position at the same pay grade and salary as when the leave without pay began, provided that the employee is capable of performing the essential duties, with or without reasonable accommodation, and that there is such a vacant and budgeted position available. If the employee's prior position is not available, then the employee may be considered for any vacant and budgeted position for which the employee is qualified. If another position is not found for the employee within thirty (30) calendar days from the date the leave without pay expires, the employee's employment with the Village shall be terminated.
- (F) Failure of an employee to report to work at the end of the approved leave period or request an extension of the leave period prior to its expiration, shall be considered as the voluntary resignation of the employee.
- (G) Employees on leave without pay shall not be permitted to obtain, accept, or work at outside employment during the leave without pay without prior written authorization from the Village President.
- (H) While on leave without pay, employees shall not forfeit any accrued benefits.
- (I) While on leave without pay for a period exceeding thirty (30) calendar days, an employee shall:
 1. Accrue no paid leave, including sick leave and vacation leave.
 2. Accrue no service credit.
 3. Receive no benefits, including educational assistance and health insurance. Health insurance coverage may be continued while on leave without pay, in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA). Employees shall be responsible for the entire cost of coverage. Failure to make payments on a timely basis may result in termination of coverage. Any employee who chooses not to continue health insurance coverage while on leave without pay, or who has health insurance coverage cancelled while on leave without pay, may be added to the group health insurance plan upon returning to work in accordance with the then current group health insurance plan provisions. Any non-Village paid benefits that the employee wishes to remain in effect must be paid in full by the employee.
 4. Receive no compensation, including holiday pay.
 5. Receive no longevity pay increases that may be scheduled to occur during the leave period. An employee's anniversary date shall be adjusted by the length of the leave period.

6. Receive no merit pay increases that may be scheduled to occur during the leave period. Should a scheduled merit pay increase occur during the leave period, the Department Head shall postpone such merit pay increase until the employee returns to work and is evaluated. The Department Head may also postpone the review date if it is felt that sufficient time has not elapsed to adequately evaluate the employee's performance. (Ord. 07-56, 1-21-08)

12-3-17: **NEW HIRES ABOVE SALARY LEVEL 18:**

The Board of Trustees shall have the right to vary any employee policies and benefits for a new hire with a salary grade over 18. A new hire shall be any person hired after July 1, 2011. Any such variance(s) shall be approved by the Board when the new person is hired, or at a subsequent date. (Ord. 11-17, 7-18-11)

APPOINTMENT (cont)

- Village Collector 1-12-1
- Village Officers And Employees 1-14-2
- Village Treasurer 1-8-1
- Water, Sewer, And Gas Inspector 1-13-1

APPROPRIATION FOR CIVIL DEFENSE ORGANIZATION 2-6-12

ARRESTS, CONSERVATORS OF THE PEACE 1-14-10

ASSAULT (See Also BATTERY) 6-2-1

ASSEMBLAGES

- Disturbing 6-2-7
- Unlawful 6-2-26

ASSESSMENT PROCEEDINGS, SPECIAL 1-9-6

ASSESSMENTS, COLLECTOR, SPECIAL (See Also COLLECTOR, VILLAGE) 1-12

ASSISTING POLICE OFFICERS 6-1-7

ATTORNEY, VILLAGE (See Also CORPORATION COUNSEL, VILLAGE) 1-9

- Borrow Pit Work Injunction, Issue 10-14-11
- Subdivision Responsibilities 11-2-1(E)

AUTOMOBILES, WASHING PROHIBITED DURING WATER SHORTAGE 8-4-20

AVENUES, DESIGNATION OF STREETS AND 8-1-8

B

B CLASS LIQUOR LICENSES 3-8-3

B-1 PROFESSIONAL OFFICE ZONING DISTRICT 10-6-2

B-2 GENERAL BUSINESS ZONING DISTRICT 10-6-3

B-3 HIGHWAY AND SERVICE COMMERCIAL ZONING DISTRICT 10-6-4

BACKFLOW PREVENTION DEVICES, WATER SUPPLY PROTECTION 8-4-15

BARBERRY BUSHES 8-6-3

BARNs (See Also SALES STABLES; BARNS) 3-13

BARRICADES (Obstruction and Deposits on Public Right Of Ways) 8-1-6

BATTERY (See Also ASSAULT) 6-2-2

BEER (See Also LIQUOR REGULATIONS) 3-8

BICYCLES

- Display of License Plate 9-8-5
- Equipment 9-8-8
- Inspection 9-8-7
- Issuance Of Licenses 9-8-4
- License Application 9-8-3
- License Sticker Required 9-8-2
- Operation Of Bicycles 9-8-9
- Penalty 9-8-10
- Traffic Laws Apply 9-8-1
- Transfer Of Ownership 9-8-6

BILLS (POSTING) 6-2-20

BIKE TRAIL REGULATION 8-17

BLOCKS, SUBDIVISION DESIGN STANDARDS 11-4-4

BOARD OF APPEALS, ZONING

- Appeals To Court 2-7-3
- Organization 2-7-1
- Procedures And Powers 2-7-2
- Zoning Procedures, Administration, And Enforcement 10-10-1(C)

BOARD OF TRUSTEES

- Addressing Meetings 1-5-11
- Assignment of Duties and Responsibilities 1-5-6
- Attendance at Meetings Other Than by Physical Presence 1-5-15
- Disturbing Meetings 1-5-7
- Election; Term 1-5-1
- Gas Service
 - Extensions, Approve 8-2-6
 - Rates Established By 8-2-15(A)
- Meetings 1-5-3
- Oath; Compensation 1-5-2
- Order Of Business 1-5-8
- Presiding Officer 1-5-4
- Quorum 1-5-5
- Rescinded Action 1-5-9
- Resolutions 1-5-10
- Robert's Rules Of Order 1-5-13
- Subdivision Responsibilities 11-2-1(D)
- Suspension Of Rules 1-5-12

BOARD OF TRUSTEES, VILLAGE PRESIDENT 1-6

BOARDS

- Board Of Trustees 1-5
- Local Improvements 2-3
- Police Commissioners 2-4
- Police Pension Fund 2-5
- Zoning Appeals 2-7

BONDS

- Borrow Pit Work 10-14-9
- Clerk 1-7-2
- Collector, Village 1-12-2
- Excavations 8-1-7
- Itinerant Merchants, Peddlers 3-9-2, 3-9-5
- Liquor License Applicants 3-8-7
- Officers And Employees, Village 1-14-8
- Police Commissioners 2-4-3
- Policemen 6-1-6
- President, Village 1-6-4
- Secretary-Treasurer Of Fire Department 5-1-8
- Sewer Contractors 8-3-4.1(A)
- Surety 1-18
- Treasurer, Village 1-8-2

BORROW PITS (See Also ZONING, MORTON ZONING ORDINANCE) 10-14

BRAKES, VEHICLES 9-5-4

BREACH OF PEACE 6-2-16

BUILDING CODE AND BUILDING PERMITS

- Adoption Of Building Code 4-1-1
- Completion Of Work 4-1-6
- Contractor Or Third Party Responsibility 4-1-8
- Extension Of Time To Complete Work 4-1-7
- Fees 4-1-3
- Issuance Of Building Permit 4-1-4
- Permits 4-1-2
- Revocation 4-1-5
- Sign Regulations, Building Permit Required 10-9-3
- Violations And Penalties 4-5

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 221 - October 2011
Includes Ordinances: 11-19, 11-20, 11-21, 11-22

REMOVE PAGES HEADED

INSERT PAGES HEADED

TABLE OF CONTENTS

Table of Contents

Table of Contents

TITLE 6

TITLE 6 POLICE REGULATIONS

TITLE 6 POLICE REGULATIONS

NONE (New Chapter)

6-12-1 CHAPTER 12
DISPOSAL OF ANIMAL WASTE

TITLE 9

CHAPTER 4 RULES OF THE ROAD

CHAPTER 4 RULES OF THE ROAD

9-4-56 NEIGHBORHOOD ELECTRIC...

9-4-56 NEIGHBORHOOD ELECTRIC...

TITLE 10

10-10-2 (e) The granting of the variation...

10-10-2 (e) The granting of the variation...

ALPHABETICAL INDEX

-A- ABANDONED, LOST, STOLEN...

-A- ABANDONED, LOST, STOLEN...

-T- TRAFFIC (cont.)

-T- TRAFFIC (cont.)

PREFACE

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

11-19, August 1, 2011
11-20, August 1, 2011
11-21, August 15, 2011
11-22, October 3, 2011

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.

Table of Contents

TITLE 1

Administrative

Village Code 1
 Savings Clause 2
 Definitions 3
 Penalty 4
 Board Of Trustees 5
 President 6
 Clerk 7
 Treasurer 8
 Corporation Counsel 9
 Superintendent Of Public Works 10
 Village Collector 12
 Water, Sewer, And Gas Inspector 13
 Officers And Employees 14
 Village Jail 15
 Corporate Seal 16
 Fiscal Year/Inauguration 17
 Surety Bonds 18
 Illinois Municipal Retirement Fund 19
 Village Engineer 20
 Vacancies In Municipal Office 21
 Freedom Of Information Officers 22

TITLE 2

Boards And Commissions

Plan Commission 2
 Board Of Local Improvements 3
 Board Of Fire And Police Commissioners ... 4
 Police Pension Fund Board 5
 Emergency Services And Disaster Agency ... 6
 Board Of Appeals 7
 Business District Development and
 Redevelopment Commission 8

TITLE 3

Business Regulations

Licenses And Permits 1
 Business District Retailers' Occupation
 Tax and Business District Service
 Occupation Tax 2
 Liquor 8
 Itinerant Merchants, Peddlers 9
 Junk Dealers 10
 Peddlers (Rep. by Ord. 93-21, 1-3-94) 11
 Foreign Fire Insurance
 Companies 12
 (Rep. by Ord. 93-17,11-15-93) 14
 Abandoned, Lost, Stolen,
 Or Unclaimed Vehicles 19
 Registration Of Residential
 Solicitors 20
 Regulation Of Adult Businesses 21
 Renting Tax 23
 Dance Halls 24
 Simplified Municipal Telecommunications
 Tax 25
 Municipal Telecommunication Tax
 Rebates 26
 Cable/Video Service Provider Fee 27
 Tax On Sale Of Gas 28

TITLE 4

Building Regulations

Building Code And Building Permits 1
 Plumbing Codes 2
 Housing Code 3
 Electrical Code 4
 Violations 5

TITLE 5

Fire Regulations

Fire Department 1
 Fireworks 2
 Fire Prevention Code 3
 Fire Detection Systems 4
 Paramedic Services 5
 Fire Hydrants 6

TITLE 6

Police Regulations

Police Department 1
 General Offenses 2
 Animals 3
 Minors 4
 Weeds (Rep. by Ord. 96-40, 4-7-97) 5
 Shooting Events 7
 Regulation And Control Of Garbage, Refuse,
 And Ashes (Rep. by Ord. 96-40, 4-7-97) ... 8
 Possession Or Consumption Of Tobacco
 By Minors 9
 Parking Or Storing Junk, Inoperable Motor
 Vehicles, And Motor Vehicle Parts 10
 Dangerous/Vicious Animals11
 Disposal Of Animal Waste12

TITLE 7

Health and Sanitation

(Reserved For Future Use) 1
 Garbage And Refuse 2
 (Reserved For Future Use) 3

TITLE 8

Public Ways And Property

Right Of Ways, Streets, Alleys,
 Sidewalks, And Driveways 1
 Gas Distribution Department 2
 Wastewater Treatment And
 Collection System 3
 Waterworks And Water Distribution System .. 4
 Storm Water Utility 5
 Weeds 6
 Storm Drains 7
 Maintenance Of Private Property 8
 Street Names
 (Rep. by Ord. 96-22, 10-7-96) 9
 Discharging Of Sump Pumps And
 Perimeter Tiles Into Sanitary Sewers 10
 Underground Utility Service 11
 Utility Equipment 12
 Basic Annexation Fees 13
 Deferred Annexation Fees 14
 Utility Billing And Collection Policies
 And Procedures 15
 Dedication of Land for Bike Path16

TITLE 9

Traffic

Definitions 1
 Enforcement 2
 Pedestrians 3
 Rules Of The Road 4
 Condition Of Vehicles 5
 Parking 6
 Drivers 7
 Bicycles 8
 Through; One-Way Streets 9
 Yield Intersections 10
 Left Turn Lanes 11
 Traffic Right Of Way, Encroachment 12
 Parking During Snow Removal 13
 Prohibition On Skateboarding 14
 Trespasses Prohibited 15

TITLE 6
POLICE REGULATIONS

Subject	Chapter
Police Department	1
General Offenses	2
Animals	3
Minors	4
Weeds (Rep. by Ord. 96-40, 4-7-97)	5
Shooting Events	7
Regulation And Control Of Garbage, Refuse, And Ashes (Rep. by Ord. 96-40, 4-7-97)	8
Possession Or Consumption Of Tobacco By Minors ..	9
Parking Or Storing Junk, Inoperable Motor Vehicles, And Motor Vehicle Parts	10
Dangerous/Vicious Animals	11
Disposal of Animal Waste	12

CHAPTER 12

DISPOSAL OF ANIMAL WASTE

SECTION:

6-12-1: Removal of Dog and Other Animal Defecation From Public and Private Properties

6-12-2: Dumping of Animal Defecation

6-12-1: **REMOVAL OF DOG AND OTHER ANIMAL DEFECATION FROM PUBLIC AND PRIVATE PROPERTIES:** An owner or other person having custody of any dog or any other animal shall not permit said dog or any other animal to defecate on any school ground, public street, alley, sidewalk, tree, park, or any other public grounds, or any private property within the village, other than the premises of the owner or person having custody of said dog or other animal, unless said defecation is removed immediately and without delay. (Ord. 11-20, 8-1-11)

6-12-2: **DUMPING OF ANIMAL DEFECATION:** No dog or other animal defecation or manure shall be dumped or left on any street, alley, sidewalk, nor any open space or lot in any portion of the village; provided, however, that this provision shall not be construed to prohibit the use of manure as fertilizer for lawns and gardens in keeping with ordinary and customary practices, in a manner that does not create a nuisance. (Ord. 11-20, 8-1-11)

CHAPTER 4
RULES OF THE ROAD

SECTION:

- 9-4-1: Persons Under The Influence Of Intoxicating Liquor Or Narcotic Drugs
- 9-4-2: Transportation Of Alcoholic Liquor
- 9-4-3: Reckless Driving
- 9-4-4: Drag Racing
- 9-4-5: Drive On Right Side Of Roadway; Exceptions
- 9-4-6: Passing Vehicles Proceeding In Opposite Directions
- 9-4-7: Overtaking A Vehicle On The Left
- 9-4-8: When Overtaking On The Right Is Permitted
- 9-4-9: Limitations On Overtaking On The Left
- 9-4-10: Further Limitations On Driving To The Left Of Center Of Roadway
- 9-4-11: No-Passing Zones
- 9-4-12: One-Way Roadways And Rotary Traffic Islands
- 9-4-13: Driving On Roadways Lined For Traffic
- 9-4-14: Following Too Closely
- 9-4-15: Restrictions On Use Of Controlled Access Highway
- 9-4-16: Required Position And Method Of Turning At Intersections
- 9-4-17: Limitations On U Turns
- 9-4-18: Starting Parked Vehicle
- 9-4-19: When Signal Required
- 9-4-20: Signal By Hand Or Arm Or Signal Device
- 9-4-21: Method Of Giving Hand And Arm Signals
- 9-4-22: Vehicles Approaching Or Entering Intersection
- 9-4-23: Vehicles Approaching Or Entering A "T" Intersection
- 9-4-24: Vehicle Turning Left
- 9-4-25: Vehicles Entering Stop Crosswalk
- 9-4-26: Vehicle Entering Stop Or Yield Intersection
- 9-4-27: Merging Traffic
- 9-4-28: Vehicle Entering Highway From Private Road Or Driveway
- 9-4-29: Operation Of Vehicles On Approach Of Authorized Emergency Vehicles
- 9-4-30: Vehicle Approaching Highway Construction Or Maintenance Area
- 9-4-31: Obedience To Signal Indicating Approach Of Train
- 9-4-32: Certain Vehicles Must Stop At All Railroad Grade Crossings
- 9-4-33: Moving Heavy Equipment At Railroad Grade Crossings
- 9-4-34: Stop And Yield Signs
- 9-4-35: Emerging From Alley, Building, Private Road, Or Driveway
- 9-4-36: Stopping, Standing, Or Parking Outside Of Business Or Residence District
- 9-4-37: Officers Authorized To Remove Vehicles
- 9-4-38: Unattended Motor Vehicles
- 9-4-39: Limitations On Backing
- 9-4-40: Riding On Motorcycles
- 9-4-41: Riding On Motorized Pedalcycles
- 9-4-42: Operating Motorcycle On One Wheel
- 9-4-43: Obstruction Of Driver's View Or Driving Mechanism
- 9-4-44: Opening And Closing Vehicle Doors
- 9-4-45: Riding In House Trailers
- 9-4-46: Coasting Prohibited
- 9-4-47: Following Fire Apparatus Prohibited
- 9-4-48: Crossing Fire Hose
- 9-4-49: Driving Upon Sidewalk
- 9-4-50: Putting Glass, Etc., On Highway Prohibited

- 9-4-51: Truck Routes
- 9-4-52: Toy Vehicles On Roadway
- 9-4-53: Public Pool Crossing
- 9-4-54: Speed Restrictions
- 9-4-55: Transportation of Cannabis, Controlled Substance, Or Drug Paraphernalia Prohibited
- 9-4-56: Neighborhood Electric Vehicles
- 9-4-57: Prohibition of Vehicles on Sidewalks
- 9-4-58: Prohibition of Certain 3-Wheel and 4-Wheel Vehicles on Certain Streets

9-4-1: **PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS:** The provisions of section 11-501 of the Illinois Vehicle Code (625 Illinois Compiled Statutes 5/11-501) including all subparagraphs except (i) and including all future amendments thereto are hereby adopted by reference as the provisions of this Title 9, Chapter 4, Section 1, the penalty for the violation thereof being the penalty under Title 1, Chapter 4, Section 1 of the Morton Municipal Code set forth herein.

9-4-2: **TRANSPORTATION OF ALCOHOLIC LIQUOR:** The provisions of section 5/11-503 of the Illinois Vehicle Code (625 Illinois Compiled Statutes section 5/11-502), except the penalty provision, and including all future amendments thereto are hereby adopted by reference as the provisions of this Title 9, Chapter 4, Section 2, the penalty for the violation thereof being the penalty under Title 1, Chapter 4, Section 1 of the Morton Municipal Code set forth herein.

9-4-3: **RECKLESS DRIVING:** The provisions of section 5/11-503 of the Illinois Vehicle Code (625 Illinois Compiled Statutes section 5/11-503) excepting subparagraph (b) and including all future amendments thereto, are hereby adopted by reference as the provisions of a this Title 9, Chapter 4, Section 3, the penalty for the violation thereof being the penalty under Title 1, Chapter 4, Section 1 of the Morton Municipal Code set forth herein.

9-4-4: **DRAG RACING:** It shall be unlawful for any person to be a participant in drag racing.

“Drag racing” means the act of two (2) or more individuals competing or racing on any street or highway in this State in a situation in which one of the motor vehicles is beside or to the rear of a motor vehicle operated by a competing driver and the one driver attempts to prevent the competing driver from passing or overtaking him, either by acceleration or maneuver, or one or more individuals competing in a race against time on any street or highway in this Village.¹

9-4-5: **DRIVE ON RIGHT SIDE OF ROADWAY; EXCEPTIONS:**

(A) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movements;
2. When an obstruction exists making it necessary to drive to the left of the center of the roadway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard;
3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon;
4. Upon a roadway restricted to one-way traffic;

¹ For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-504.

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)

9-4-58 **PROHIBITION OF CERTAIN 3-WHEEL AND 4-WHEEL VEHICLES ON CERTAIN STREETS:** No person shall operate a 3-wheel or 4-wheel vehicle on any street where the speed limit is greater than 30 miles an hour, unless there is a designated bicycle path. In such case the 3-wheel or 4-wheel vehicle may be operated only in the area designated for bicycles. For purposes of this section, a 3-wheel or 4-wheel vehicle is defined as any vehicle with 3 or 4 wheels that is powered by a battery. (Ord. 11-19, 8-1-11; amd. Ord. 11-21, 8-15-11)

- (e) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- (f) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public street, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards, to reduce or minimize the effect of such variation upon other properties in the neighborhood, and to better carry out the general intent of this Title.

4. The following situations, and only those situations, are permissible areas in which variations from the regulations of this Title are allowed to be granted by the Zoning Board of Appeals when in accordance with the standards established in this Section:
- (a) To permit reconstruction of a building accommodating a nonconforming use, when the building was specifically designed for such use and destroyed to an extent exceeding twenty five percent (25%) of its fair market value.
 - (b) To permit any yard or open space requirement less than the yard or open space requirement.
 - (c) To permit a reduction of the parking or loading requirements for a specific use whenever the character or use of the building or property is such as to make unnecessary the full provision of such facilities.
 - (d) To permit an increase by not more than twenty five percent (25%) to the distance required parking spaces are to be from the use served.
 - (e) To permit a variation of these regulations to secure an appropriate development of a lot where adjacent to such lot on two (2) or more sides there are structures not conforming to the regulations of the district.
 - (f) To permit the extension of a zoning district line in a specific instance where the rules of this Title for interpreting the zoning district line are unclear in relation to a single property.
 - (g) To vary the sign regulations where, because of unique conditions of the property on which the sign is to be placed, the regulations contained herein would be inappropriate¹. The height of a sign may not be varied in any property lying outside of the Interstate Corridor. Notwithstanding the foregoing, no variance may be granted for advertising signs where permitted in the B-1 district. (Ord. 78-31, 3-5-79; amd. Ord. 01-41, 3-18-02; amd. Ord. 04-42, 12-6-04)
 - (h) To permit more than one (1) driveway per residential lot.
 - (i) To permit a nonconforming building to be structurally altered or reconstructed within its bounding walls to an extent exceeding in aggregate cost twenty five percent (25%) of its fair market value including land value. (Ord. 81-28, 11-16-81)

¹ See Chapter 9 of this Title.

- (j) Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the zoning classifications of the District Map or to permit a use not otherwise permitted; such power and authority being reserved to the Board of Trustees. (Ord. 78-31, 3-5-79; Ord. 81-28, 11-16-81)
- (k) To permit a variance in number, size, or location of accessory use, accessory area, accessory buildings, or structures, except solar water systems. (Ord. 81-35, 1-18-82, amd. Ord. 10-20 10-4-10)
- (l) To permit a variation of the regulations pertaining to satellite antenna dishes. (Ord. 84-22, 3-4-85)
- (m) To permit only the following types of variances for property located in an interstate corridor:
 1. Sign regulations;
 2. Side, rear, and front yard setbacks for lots of record (less than one acre) existing at the time of adoption of Ordinance 94-31; and
 3. Side, rear, and front yard setbacks for structures as described in Title 10, Chapter 4, Subsection 7(l)2. (Ord. 94-32, 5-15-95)
- 5. The concurring vote of four (4) members of the Board of Appeals shall be necessary to grant a variation. (Ord. 78-31, 3-5-79)
- 6. If a variance is granted, work or construction shall commence within ninety (90) days of the granting of the variance for residential property; and shall be completed according to the guidelines outlined in Title 4, Chapter 1, Subsection 6 (Completion of Work). For all commercial and industrial properties, work or construction shall commence within one hundred eighty (180) days of the granting of the variance; and shall be completed according to the guidelines outlined in Title 4, Chapter 1, Subsection 6. Completion means the completion of the exterior of the building(s) and/or all other improvements as specified in the building permit issued for the work or construction. Failure to comply with either time requirement shall mean automatic revocation of the variance upon the expiration of the time limit. The variance may only be reinstated upon reapplication, public hearing, and approval of the Zoning Board of Appeals. In the alternative, the Zoning Board of Appeals may reject the reapplication.

This paragraph shall be effective August 1, 1987; and all variances that have been granted prior to said date shall be subject to the provisions of same. For purposes of applying the time limit provisions, the date of August 1, 1987, shall be the commencement point for all variances granted prior to said date. (Ord. 87-8, 7-20-87; amd. Ord. 11-22, 10-3-11)

(D) Appeals Procedure:

1. An appeal may be taken to the Zoning Board of Appeals by any person or by any officer, department, board, or bureau aggrieved by a decision of the ZEO or his authorized agent. Such an appeal shall be taken within forty five (45) days of the action complained of, by filing with the ZEO a notice of appeal specifying the grounds thereof. The ZEO shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting a record upon which the action appealed from was taken.
2. An appeal shall stay all proceedings in furtherance of the action appealed unless the ZEO certifies to the Zoning Board of Appeals, after notice of the appeal has been filed, that by reason of facts stated in the appeal a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed unless by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application of the ZEO and on due cause shown. (Ord. 04-53, 3-7-05)

A

ABANDONED, LOST, STOLEN, OR UNCLAIMED VEHICLES

- Abandonment Unlawful 3-19-2
- City Not Held Liable 3-19-13
- Definitions 3-19-1
- Disposal Of Unclaimed Vehicles Without Notice 3-19-10
- Notification Of Owner 3-19-7
- Notification To Police 3-19-3
- Proceeds Of Sale 3-19-12
- Public Sale 3-19-9
- Reclamation Of Vehicle 3-19-8
- Record Searches 3-19-6
- Records To Be Kept 3-19-5
- Removal Of Motor Vehicles Or Other Vehicles 3-19-4
- Report Of Transaction 3-19-11

ACCEPTANCE OF MUNICIPAL CODE 1-1-2

ACCIDENTS, TRAFFIC 9-7-3

ACCOUNTING OF VILLAGE TREASURER 1-8-6

ACCOUNTING OF WATERWORKS AND SEWERAGE SYSTEMS 8-4-23

ACCOUNTS KEPT BY VILLAGE CLERK 1-7-5

ACCUMULATION OF GARBAGE, NUISANCE 7-2-2

ACTIONS AND SUITS OF VILLAGE 1-9-3

ADULT BUSINESSES, REGULATION OF

- Adult Uses Enumerated 3-21-2
- Automatic Suspension 3-21-9
- Contents Of Application For License 3-21-6
- Definitions 3-21-1
- Display Of License And Permit 3-21-11
- Employment Of Persons Under Age Of Eighteen Prohibited 3-21-12
- Exterior Display 3-21-10
- Illegal Activities On Premises 3-21-13
- Issuance Of Adult Use License 3-21-7
- License Required; Filing Of Application, Filing Fee 3-21-5
- Limitations On Adult Uses 3-21-3
- Measurement Of Distances 3-21-4
- Repeal Of Conflicting Ordinances 3-21-16
- Severability Clause 3-21-14
- Statement Of Urgency 3-21-17
- Suspension Or Revocation Of License For Adult Use 3-21-8
- Violation And Penalty 3-21-15

ADVERTISING

- Advertising Structures, Sign Regulations 10-9
- Telecommunications Towers, On 8-15-10
- Trees; Shrubbery 8-1-10

ADVISOR, LEGAL OF VILLAGE 1-9-5

AGE LIMIT OF VEHICLE DRIVERS 9-7-1

AGE MISREPRESENTATION 6-4-6

AGENT, ILLINOIS MUNICIPAL RETIREMENT FUND 1-19-2

AGRICULTURAL USES

- Building Permit Required 4-1-2(C)
- Zoning Of 10-4-3(K)

AIR GUNS, DISCHARGING 6-2-5

ALARMS, FIRE; DETECTION SYSTEMS 5-4

ALCOHOL, DRIVING UNDER THE INFLUENCE 9-7-2

ALCOHOLIC LIQUOR (See Also LIQUOR REGULATIONS) 3-8

 Transportation Of 9-4-25

ALLEYS (See Also STREETS)

 One-Way Traffic 9-4-12

 Skateboarding On Prohibited 9-14-1

AMBULANCE SERVICE, PARAMEDIC DEPARTMENT TO OPERATE 5-5-1

AMENDMENTS

 To Municipal Code 1-1-3

 To Subdivisions 11-2-8

 To Zoning Regulations, Procedures 10-10-2(E)

ANIMALS

 Dangerous/Vicious 6-11

 Disposal of Animal Waste 6-12

 Dog Or Cat Bites 6-3-6

 Impounding 6-3-7

 License Required 6-3-1

 Livestock (See LIVESTOCK FEEDING OPERATION) 10-2-1

 Muzzles 6-3-5

 On Thoroughfares, Traffic 9-2-8

 Owner 6-3-3

 Penalty For Dog Or Cat Bites 6-3-8

 Rabies Inoculation 6-3-2

 Running At Large 6-3-4

 Tags 6-3-2

ANNEXATION, BASIC FEES

 Exemption 8-13-3

 Purpose 8-13-1

 Fee Structure 8-13-2

ANNEXATION, DEFERRED FEES

 History 8-14-1

 Purpose 8-14-2

 Rate 8-14-3

ANNEXED TERRITORY

 Water Charges 8-4-4

 Zoning Of 10-3-4

ANTENNA DISH, SATELLITE 10-4-3(L)

APPEALS

 Board Of Zoning 2-7

 Regarding Liquor Licenses 3-8-12

 Storm Water Utility 8-5-7

 To Court, Zoning 2-7-3

 To Zoning Regulations, Procedures 10-10-2(D)

APPLICATION OF GENERAL PENALTY 1-4-4

APPOINTMENT

 Assignment of Duties and Responsibilities 1-5-6

 Board Of Local Improvements 2-3-1

 Board Of Police Commissioners 2-4-2

 Corporation Counsel 1-9-1

 Director Of Civil Defense 2-6-3

 Director Of Fire And Emergency Services 5-1-3

 Plan Commission Members 2-2-1

 Police Pension Fund Board 2-5-2

 Special Police 6-1-11

 Superintendent Of Public Works 1-10-1

 Superintendent Of Water Distribution Department 8-4-2.2

 Superintendent Of Water Treatment Department 8-4-1.2

TRAFFIC (cont.)

- Right Of Way
 - Merging Traffic 9-4-27
 - Operation Of Vehicles On Approach Of Authorized Emergency Vehicles 9-4-29
 - Vehicle Approaching Highway Construction Or Maintenance Area 9-4-30
 - Vehicles Approaching Or Entering A "T" Intersection 9-4-23
 - Vehicles Approaching Or Entering Intersection 9-4-22
 - Vehicles Entering Highway From Private Road Or Driveway 9-4-28
 - Vehicles Entering Stop Crosswalk 9-4-25
 - Vehicles Entering Stop Or Yield Intersection 9-4-26
 - Vehicles Turning Left 9-4-24
- Special Stops Required
 - Certain Vehicles Must Stop At All Railroad Grade Crossings 9-4-32
 - Emerging From Alley, Building, Private Road, Or Driveway 9-4-35
 - Moving Heavy Equipment At Railroad Grade Crossing 9-4-33
 - Obedience To Signal Indicating Approach Of Train 9-4-31
 - Stop And Yield Signs 9-4-34
- Speed Restrictions
 - Speed Restrictions 9-4-54
- Stopping, Standing, And Parking
 - Officers Authorized To Remove Vehicles 9-4-37
 - Stopping, Standing, Or Parking Outside Of Business Or Residence District 9-4-36
- Turning And Starting And Signals On Stopping And Turning
 - Limitations On U-Turns 9-4-17
 - Method Of Giving Hand And Arm Signals 9-4-21
 - Required Position And Method Of Turning At Intersections 9-4-16
 - Signal By Hand Or Arm Or Signal Device 9-4-20
 - Starting Parked Vehicle 9-4-18
 - When Overtaking On The Right Is Permitted 9-4-8
 - When Signal Required 9-4-19
- Through Streets 9-9-1
- Yield Intersections 9-10-1

TREASURER, VILLAGE

- Accounting 1-8-6
- Agent For Illinois Municipal Retirement Fund 1-19-2
- Appointment; Compensation 1-8-1
- Assistant Treasurer 1-8-8
- Bond 1-8-2
- Deposit Of Funds 1-8-4
- Gas System Money, Duties Regarding 8-2-23
- General Duties 1-8-3
- Investment And Expenditure Of Industrial Cost Recovery Moneys 8-3-10.4
- Records 1-8-5
- Water System Revenues, Receive 8-4-23

TREES AND SHRUBBERY ON RIGHTS OF WAY 8-1-8

TRESPASSES PROHIBITED 6-2-25, 9-15-1

- Enumerated 9-15-2
- Specifically Enumerated Trespasses Suppression 6-2-25

TRUCK ROUTES 9-4-51

TRUSTEES

- Board Of 1-5-1
- Members Of Board Of Local Improvements 2-3-1
- Police Pension Fund Board Of 2-5-2

TRUSTS, LAND; ZONING AMENDMENTS 10-10-2(E)1

U

U-TURNS, TRAFFIC 9-4-17

UNCLAIMED VEHICLES 3-19-10

UNDERGROUND UTILITY SERVICE 8-11

UNIFORM BUILDING CODE ADOPTED 4-1-1

UNIFORM HOUSING CODE ADOPTED 4-3-1

UNLAWFUL ASSEMBLAGES 6-2-26

URINATING IN PUBLIC 6-2-27

USE TAX, MUNICIPAL 3-18-1

USER CLASSIFICATION, SEWER 8-3-9.2

UTILITY BILLING AND COLLECTION POLICIES AND PROCEDURES 8-15

UTILITY EASEMENTS, SUBDIVISIONS 11-9-1

UTILITY EQUIPMENT

 Applicability Of Other Ordinances 8-12-6

 Building Permit 8-12-4

 Definition 8-12-1

 Non-Residential Districts 8-12-3

 Residential Districts 8-12-2

 Screening 8-12-5

UTILITY POLES, CLIMBING 6-2-4

UTILITY, STORM WATER 8-5

UTILITY TAXES, GAS REGULATIONS 8-2-15(C)

V

VARIANCE, SPECIAL PROCEDURE FOR PROPERTY IN INTERSTATE CORRIDOR 10-4-9

VARIANCES, ZONING

 Fees 10-11-4

 Procedures 10-10-2(C)

VARIATIONS, SUBDIVISIONS 11-2-7

VEHICLES

 3-Wheel and 4-Wheel 9-4-58

 Abandoned, Lost, Stolen, Or Unclaimed 3-19-1

 Clinging To 9-4-21

 Condition Of

 Brakes 9-5-4

 Gas And Smoke 9-5-9

 Horns And Warning Devices 9-5-6

 Mufflers, Prevention Of Noise 9-5-7

 Nonskid Devices 9-5-10

 Required Equipment On Motorcycles 9-5-13

 Restriction As To Tire Equipment 9-5-5

 Signal Lamps And Signal Devices 9-5-3

 Special Equipment For Persons Riding Motorcycles 9-5-12

 Suspension System 9-5-8

 Unnecessary Noise Prohibited 9-5-1

 Weight 9-5-11

 When Lighted Lamps Are Required 9-5-2

 Disposal Of Unclaimed 3-19-10

 Drivers (See Also TRAFFIC) 9-7

 Driving Rules 9-4