

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 222 - January 2012
Includes Ordinances: 11-23, 11-25

REMOVE PAGES HEADED

TITLE 3

3-8-16 CONDITION OF PREMISES:
(and the following page)

TITLE 10

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

TITLE 12

12-3-1 CHAPTER 3
EMPLOYEE POLICIES...
(and the following page)

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3-8-16 CONDITION OF PREMISES:
(and the following page)

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

12-3-1 CHAPTER 3
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(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:

11-23, November 7, 2011

11-25, November 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 Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.

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.

No Class A-1 or B-1 license may be issued to a location which is within one hundred feet (100') of any residentially zoned district. The one hundred feet (100') shall not include any right-of-way between the properties.

Any existing location that has a Class A-1 or B-1 liquor license and which is located within the restricted area shall be exempt from this requirement. The exemption shall remain in effect for such location as long as the liquor license remains in effect and for an additional period of one year from the time the license is terminated. (Ord. 85-19, 4-21-86; amd. Ord. 11-25, 11-21-11)

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)

- (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(H)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)

CHAPTER 3

EMPLOYEE POLICIES AND BENEFITS

SECTION:

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- 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
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- 12-3-7: Family And Medical Leave Act (FMLA)
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- 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, Zoning Enforcing Officer, and Treasurer. (amd. Ord. 06-16, 7-10-06; amd. Ord. 11-23, 11-7-11)

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.

- (B) If an employee other than supervisory personnel shall be required to work more than forty (40) hours per week, the employee shall receive one and one-half (1 1/2) times his hourly salary (base plus longevity plus incentive pay) for each hour worked in excess of forty (40) hours per week. The foregoing provision does not apply to the Chief of Police, Deputy Chief of Police, Director of Fire and Emergency Medical Services, Superintendent of Public Works, Business Manager, Treasurer, and Zoning Enforcing Officer. (amd. Ord. 06-16, 7-10-06; amd. Ord. 11-23, 11-7-11)
- (C) If an employee other than supervisory personnel shall work on a paid holiday, the employee shall receive twice his hourly salary (base plus longevity plus incentive pay) for each hour worked on said holiday.
- (D) The following paid holidays shall be observed:
1. New Year's Day
 2. Good Friday
 3. Memorial Day
 4. Independence Day
 5. Labor Day
 6. Thanksgiving Day and the Friday after
 7. Christmas Day and the day before or the day after
- (E) For purposes of determining the hourly rate to be used in calculating any overtime or holiday pay due employees, the following formula shall be used:
- $$\text{Hourly Rate} = \frac{\text{Official Monthly Rate} \times 12}{2080}$$
- (F) Those employees other than supervisory personnel who are on a 28-day work schedule, who have a scheduled day off falling on a holiday, shall receive eight (8) hours' pay, in addition to their regular salary.
- (G) An employee shall be considered full-time if he works in excess of eighteen hundred (1800) hours per year. Only full-time employees shall be eligible for the benefits contained in this section and in the other sections of this resolution. (amd. Ord. 05-18, 9-6-05)
- (H) The following provisions shall apply to the following positions: Superintendent of Gas Distribution, Superintendent of Streets, Superintendent of Wastewater Treatment, Superintendent of Water Distribution, and Superintendent of Water Treatment:
1. If a Superintendent is requested by the Superintendent of Public Works to work a shift or half shift, then said Superintendent shall be entitled to be compensated for same at his straight hourly rate, or at the option of the Superintendent, he may elect compensatory time. The election by the Superintendent shall be made within the pay period for which the shift was worked. Once the Superintendent makes an election, he may not thereafter change same.
 2. Any compensation time which a Superintendent accrues shall be taken during that calendar year.

- 3. A half shift is defined as four (4) consecutive hours of work within a twenty-four (24) hour period. A full shift is defined as eight (8) consecutive hours of work within a twenty-four (24) hour period. These periods are times other than the normal work schedule for the Superintendent.
- 4. No compensation time shall accrue or be paid for other than as specifically provided in paragraph 1.

12-3-3: **LONGEVITY INCREASES:**

(A) Full-time employees hired before January 1, 2008, shall receive longevity pay in the following amounts according to the following schedule:

| <u>Required Years of Employment</u> | <u>Longevity Increase Added to Base Salary</u> |
|-------------------------------------|--|
| 3 | 2% of Base Salary |
| 6 | 4% of Base Salary |
| 9 | 6% of Base Salary |
| 12 | 7% of Base Salary |
| 15 | 8% of Base Salary |
| 18 | 9% of Base Salary |
| 21 | 10% of Base Salary (maximum amount) |

(B) Full-time employees hired on or after January 1, 2008, shall receive longevity pay in the following amounts according to the following schedule:

| <u>Required Years of Employment</u> | <u>Longevity Increase Added to Base Salary</u> |
|-------------------------------------|--|
| 5 | 2% of Base Salary |
| 10 | 4% of Base Salary |
| 15 | 6% of Base Salary |
| 17 | 7% of Base Salary |
| 19 | 8% of Base Salary |
| 21 | 9% of Base Salary |
| 23 | 10% of Base Salary (maximum amount) |

(C) Longevity pay shall be in addition to an employee's base salary. Longevity pay and any increases thereto shall begin on the first pay period following the date that the required years of employment are completed.

(amd. Ord. 07-53, 1-7-08)

12-3-4: **VACATIONS:**

(A) Full-time employees shall be entitled to a paid vacation subject to the conditions stated in this Section, and vacation shall begin to accrue at the date of hire. Vacations are paid by reason of time earned. Employees will become eligible for vacation any time during the calendar year they complete one (1) year of service. However, new employees must complete a minimum of six (6) months of service before taking any vacation time. Employees will continue to be eligible for the amount of vacation, as described in the following schedule, in the calendar year that they complete the required years of service.

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 223 - April 2012
Includes Ordinances: 11-30, 11-31, 11-32, 11-33, 11-35, 11-36

REMOVE PAGES HEADED

INSERT PAGES HEADED

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(and the following page)

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GENERAL OFFENSES

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

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12-3-1 CHAPTER 12
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ALPHABETICAL INDEX

-D- DRUG PARAPHERNALIA

-D- DRUG PARAPHERNALIA

PREFACE

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

11-30, January 3, 2012
11-31, January 3, 2012
11-32, March 5, 2012
11-33, March 19, 2012
11-35, April 2, 2012
11-36, April 16, 2012

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 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 Treasure/Comptroller shall be appointed by the President with the consent of the Board of Trustees. The Treasurer's office shall be known as Treasurer/Comptroller and the salary shall be as determined from time to time by the Board of Trustees. All other references in this code to Treasurer shall also mean Treasurer/Comptroller. (Ord. 97-35, 2-16-98; amd. Ord. 00-17, 7-17-00; amd. Ord. 11-31, 1-3-12; amd. Ord. 11-36, 4-16-12)

1-8-2: **BOND:** He or she 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 shall be available to consult with the President and Board of Trustees on audit matters. (amd. Ord. 11-36, 4-16-12)
5. Internal Controls. The Treasurer is responsible for monitoring and revising the internal control structure of the Village, subject to approval by the Village Board of Trustees. (amd. Ord. 11-36, 4-16-12)
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 or her 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)

- 1-8-5: **RECORDS:** The Treasurer shall keep the records showing all money received by the Village, showing the source from which it is received and the purpose for which it is paid, and shall keep records at all times showing the financial status of the Village. (1944 Code, Sec. 30; amd. Ord. 10-17, 9-7-10)
- 1-8-6: **ACCOUNTING:** The Treasurer shall keep such books and accounts as may be required by Statute or Ordinance, and he or she shall keep them in the manner required by the Board of Trustees. (1944 Code, Sec. 31)
- 1-8-7: **CHECKS:** The signatures of the President and the designated member of the Board of Trustees shall be required for all checks executed by the Village. (Ord. 97-35, 2-16-98)
- 1-8-8: **ASSISTANT TREASURER:** There is hereby created the office of Assistant Treasurer which shall be subject to the following:
- (A) The Assistant Treasurer shall not perform any duties nor have any responsibilities unless the Treasurer has notified the President of the Board of Trustees that he or she is unable to perform his or her duties.
- (B) In the event the President has been so notified, he or she shall then notify the Assistant Treasurer, and in such case, the Assistant Treasurer shall have all the powers, duties, and responsibilities that the Treasurer has. Said powers, duties, and responsibilities shall be in effect only until such time as the Treasurer notifies the President that he or she can then resume his or her duties; and, in such case, the Assistant Treasurer's powers, duties, and responsibilities shall immediately cease.
- (C) During the time the Assistant Treasurer is performing the Treasurer's duties, the Assistant Treasurer shall receive the compensation the Treasurer would have; and the Treasurer shall not receive any compensation.
- (D) The Assistant Treasurer shall be appointed by the President and approved by the Board of Trustees. (Ord. 86-18, 2-16-87)

CHAPTER 8

BUSINESS DISTRICT DEVELOPMENT AND REDEVELOPMENT COMMISSION

SECTION:

- 2-8-1: Creation
- 2-8-2: Composition; Appointment
- 2-8-3: Terms; Vacancies; Compensation
- 2-8-4: Organization; Meetings
- 2-8-5: Duties, Functions, And Responsibilities
- 2-8-6: Authority

2-8-1: **CREATION:** There is hereby created a commission which shall be known as the Business District Development and Redevelopment Commission.

2-8-2: **COMPOSITION; APPOINTMENT:** The Commission shall consist of nine (9) voting members and three (3) non-voting members. The non-voting members of the Commission shall consist of a member of the Board of Trustees, with another member of the Board of Trustees serving as an alternate, the Treasurer of the Village of Morton or his/her designee, and the Executive Director/Chief Executive Officer of the Morton Economic Development Council. Members of the Commission shall be appointed by the President, by and with the advice and consent of the Board of Trustees. (amd. Ord. 11-31, 1-3-12)

2-8-3: **TERMS; VACANCIES; COMPENSATION:**

(A) Upon initial appointment, the voting members of the Commission shall be appointed for one-, two-, or three-year terms of office, as designated by the President at the time of appointment. Voting members of the Commission appointed after the initial appointments creating the Commission shall hold office for a term of three (3) years, or until a successor has been chosen and has qualified.

(B) All vacancies occurring on the Commission shall be filled by appointment for the remainder of the unexpired term in the same manner as original appointments.

(C) Members of the Commission shall serve without compensation.

2-8-4: **ORGANIZATION; MEETINGS:**

(A) The Commission shall designate one of its members to serve as Chairperson of the Commission and one of its members to serve as Vice-Chairperson of the Commission. Such designations shall be for a period of one (1) year.

(B) The Commission shall meet at such times and places as it shall determine. Special meetings of the Commission may be called by the Chairperson of the Commission or by any three (3) members of the Commission. All meetings of the Commission shall be held in accordance with the provisions of the Open Meetings Act (5 ILCS 120/1 et seq.). A majority of the voting members of the Commission shall constitute a quorum to do business.

2-8-5: **DUTIES, FUNCTIONS, AND RESPONSIBILITIES:** The Commission shall have the following duties, functions, and responsibilities:

- (A) Prepare policies and procedures, and amendments thereto, pertaining to the administration of any grant or loan program that may be established by the Village pursuant to the Business District Development and Redevelopment Act (65 ILCS 5/11-74.3-1 et seq.), as may be amended from time to time, and in accordance with the Morton Business District Development and Redevelopment Plan, as may be amended from time to time, for approval and adoption by the President and Board of Trustees.
- (B) Review applications for assistance submitted pursuant to any grant or loan program that may be established by the Village pursuant to the Business District Development and Redevelopment Act (65 ILCS 5/11-74.3-1 et seq.), as may be amended from time to time, and in accordance with the Morton Business District Development and Redevelopment Plan, as may be amended from time to time, and make recommendations regarding same for action by the President and Board of Trustees.
- (C) Make such recommendations to the President and Board of Trustees as it may deem necessary to achieve the goals and objectives of the Morton Business District Development and Redevelopment Plan and to perform its duties, functions, and responsibilities.
- (D) Report periodically to the President and Board of Trustees on the progress of the Commission in the performance of its duties, functions, and responsibilities.
- (E) Perform such other duties, functions, and responsibilities that may be assigned to it by the President and Board of Trustees from time to time.

2-8-6: **AUTHORITY:**

- (A) The Commission shall have no independent authority, but shall serve strictly as an advisory body to the President and Board of Trustees with only those powers expressly delegated to it and shall have no authority to act on behalf of the Village.
- (B) The Commission shall expend no monies except as provided in the Annual Appropriation Ordinance of the Village and only upon the prior approval of the President and Board of Trustees.

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 | Six (6) |
| Class A-3 | Zero (0) |
| Class A-4 | One (1) |
| Class B-1 | Three (3) |
| Class B-2 | Twelve (12) |
| Class B-3 | Three (3) |
| Class C | One (1) |
| Class D | Two (2) |
| Class E | Eight (8) |
| 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; amd. Ord. 11-33, 3-19-12; amd. Ord. 10-35, 4-2-12;)

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.

CHAPTER 2
GENERAL OFFENSES

SECTION:

- 6-2-1: Assault
- 6-2-2: Battery
- 6-2-3: Cannabis
- 6-2-4: Climbing Utility Poles
- 6-2-5: Discharging Firearms
- 6-2-6: Disorderly Conduct
- 6-2-7: Disturbing Assemblages
- 6-2-8: Drug Paraphernalia-Definitions
- 6-2-8.1: Sale Or Delivery-Penalty-Public Nuisance
- 6-2-8.2: Possession Of Drug Paraphernalia
- 6-2-9: Fires
- 6-2-10: Gambling
- 6-2-10.1: Definition
- 6-2-10.2: Gambling Device
- 6-2-10.3: Keeping A Gambling Place
- 6-2-10.4: Seizure Of Gambling Devices And Gambling Funds
- 6-2-10.5: Prohibition
- 6-2-11: Harassment By Telephone
- 6-2-12: Hunting
- 6-2-13: Impersonating Village Officers; Fire Personnel
- 6-2-14: Injury To Property
- 6-2-15: Interference With Firefighter; Destruction Of Fire Apparatus Prohibited
- 6-2-16: Missiles
- 6-2-17: Noises
- 6-2-18: Obscenity
- 6-2-19: Obstructing Passageways
- 6-2-20: Posting Bills
- 6-2-21: Prostitution; Definition
- 6-2-21.1: Soliciting For A Prostitute
- 6-2-21.2: Keeping A Place Of Prostitution
- 6-2-21.3: Patronizing A Prostitute
- 6-2-21.4: Definition Of Sexual Penetration
- 6-2-22: Public Indecency
- 6-2-23: Resisting Or Obstructing A Peace Officer
- 6-2-24: Snow Or Ice On Streets
- 6-2-25: Trespass
- 6-2-25.1: Specifically Enumerated Trespasses Suppression
- 6-2-26: Unlawful Assemblages
- 6-2-27: Urinating
- 6-2-28: Unlawful Use Of Weapons
- 6-2-29: Synthetic Alternative Drugs

6-2-1: **ASSAULT:** It shall be unlawful for a person to commit an assault. A person commits an assault when, without lawful authority, he or she engages in conduct which places another in reasonable apprehension of receiving a battery. (Ord. 96-40, 4-7-97)

6-2-2: **BATTERY:** It shall be unlawful for any person to commit a battery. A person commits a battery if he or she intentionally or knowingly, without legal justification and by any means:

- (A) Causes bodily harm to an individual, or
- (B) Makes physical contact of an insulting or provoking nature with an individual. (Ord. 96-40, 4-7-97)

6-2-3: **CANNABIS:** It shall be unlawful for any person knowingly to possess marijuana, hashish, and other substances which are identified as including any parts of the plant *Cannabis sativa*, whether growing or not; the seed thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, and other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

Any person possessing any substance containing cannabis resin up to the amount of two and five-tenths (2.5) grams shall, upon conviction, be assessed a fine not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00). (Ord. 99-37, 12-6-99)

Any person possessing any substance containing cannabis resin in an amount of two and five-tenths (2.5) grams or more but less than ten (10) grams shall, upon conviction, be fined not less than three hundred dollars (\$300.00) and not more than seven hundred fifty dollars (\$750.00). (amd. Ord. 99-37, 12-6-99)

Any person possessing any substance containing cannabis resin in an amount of ten (10) grams or more but less than thirty (30) grams shall, upon conviction, be fined not less than four hundred dollars (\$400.00) and not more than seven hundred fifty dollars (\$750.00). (amd. Ord. 99-37, 12-6-99)

Any person possessing any substance containing cannabis resin in an amount thirty (30) grams or more shall, upon conviction, be fined seven hundred fifty dollars (\$750.00). (amd. Ord. 99-37, 12-6-99)

Where any person has been convicted of any of the provisions of the offense at any prior time, then there shall be added to the applicable minimum fine the amount of one hundred dollars (\$100.00) for each such prior conviction. (Ord. 96-40, 4-7-97)

6-2-4: **CLIMBING UTILITY POLES:** It shall be unlawful for any person to climb upon any telegraph pole, telephone pole, electric light pole, or sign pole, unless in the performance of his duties. (Ord. 96-40, 4-7-97)

6-2-5: **DISCHARGING FIREARMS:** It shall be unlawful to discharge any firearms or air gun in the Village; provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty, nor to any citizen to discharge a firearm when lawfully defending his person or property, nor shall the provision of this Section apply to any licensed event which may be sponsored by a known local organization holding a charter in a national organization or association. (Ord. 96-40, 4-7-97)

6-2-6: **DISORDERLY CONDUCT:** A person commits disorderly conduct when he knowingly:

- (A) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or
- (B) With intent to annoy another, makes a telephone call, whether or not conversation thereby ensues; or

6-2-29: **SYNTHETIC ALTERNATIVE DRUGS:**

- (A) Definitions: For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires different meaning:
1. *A product containing a synthetic alternative drug* means any product containing a synthetic cannabinoid, stimulant, or synthetic stimulants and synthetic psychedelic/hallucinogens, as those terms are defined herein such as, but not limited to, the examples of brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.
 2. *Synthetic cannabinoid* means any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixtures, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor against, such as, but not limited to, the examples or brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.
 3. *Synthetic stimulant* means any compound that mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quantity of a natural or synthetic material, compound, mixtures, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing substances which have a stimulant effect on the central nervous system, such as, but not limited to, the examples of brand names of identifiers listed in Exhibit "A" attached hereto and incorporated herein.
 4. *Synthetic psychedelic/hallucinogen* means any compound that mimics the effects of any federally controlled Schedule I substance, including, but not limited to, any quantity of a natural or synthetic material, compound, mixtures, preparation, substance and their analog (including isomers, esters, ethers, salts and salts of isomers) containing substances which have a psychedelic/hallucinogen effect on the natural nervous system and/or brains, such as, but not limited to, the examples of brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.
- (B) Sale or Delivery: It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.
- (C) Possession: It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.
- (D) Use: It shall be unlawful for any person to be under the influence of a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.
- (E) Penalties:
1. Any person found to be in violation of Section 6-2-29 shall be subject to a fine of not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00) for each violation thereof.
 2. Each violation of this ordinance, or everyday a violation continues to exist, shall constitute a new or separate violation.
(Ord. 11-32, 3-5-12)

6-2-29 EXHIBIT A

| | | |
|-----------------------------------|------------------------------|-----------------------------|
| POW | K Royal | New K3 Sea Improved |
| Spice Gold | Spicylicious | New-Kron Bomb |
| Swagger Grape | Shanti Spice | Cherry Bomb |
| Spice Gold | K3 Grape | Rebel Spice |
| Pulse | K3 Strawberry | Mega Bomb |
| Black Mamba | K3 Blueberry | Mr. Smiley's |
| Naughty Nights | Earthquake | Summer Skyy |
| K2 Watermelon | Ocean Blue | Moe Joe Fire |
| Green Monkey Chronic Salvia | G Four | Fully Loaded |
| Voodoo Remix | Wood Stock | Da Block |
| G Greenies Caramel Crunch | K3 Legal | Back Draft |
| Black Diamond | Who Dat | K1 Orbit |
| Blueberry Hayze | Dark Night II | K1 Gravity |
| Eruption Spice | Spike 99 Ultra | C3 |
| Love Strawberry | 2010 | SYN Incense Smooth |
| Voodoo Child | Zombie World | SYN Incense Spearmint |
| Mid-Atlantic Exemplar | SYN Swagg | SYN Incense LemonLime |
| K2 Summit | SYN Smooth | Super Summit |
| Magic Dragon Platinum | SYN Spearmint | D-Rail |
| Fire Bird Ultimate Strength | SYN Spearmint #2 | K2 Peach |
| Cinnamon | SYN Chill | Funky Monkey |
| Nitro | SYN Suave | K2 Summit Coffee Wonk |
| Black Magic Salvia | Heavenscent Suave | K3 Legal - Original (Black) |
| K2 Strawberry | SYN Vanilla | K3 Legal - Sun (Black) |
| K2 Blueberry | SYN Vanilla #2 | K3 Legal - Sea (silver) |
| Wicked X | SYN Lemon Lime | K3 Legal - Earth (silver) |
| Shanti Spice Bluberry | SYN Lemon Lime #2 | K2 Cloud 9 |
| Aztec Midnight Wind Tezcatlipoca | New K3 Improved | Greenies Strawberry |
| Sativah | C4 Herbal Incense | K2 Blonde |
| Mid-Atlantic Exemplar (K2 Summit) | New Improved K3 Cosmic Blend | K2 Standard |
| Aztec Gold | New Improved K3 Dynamite | K2 Citron |
| Ultra Cloud 10 | New Improved K3 Kryptonite | K2 (unknown variety) |
| Colorado Chronic | Utopia | K2 Summit |
| K3 Kryptonite | Utopia-Blue Berry | Space |
| Funky Monkey XXXX | Euphoria | K2 Blue |
| K2 Blue | Who Dat Herbal Incense | K2 Pink |
| K2 Blonde | Love Potion 69 | K2 Latte |
| K2 Pink | Legal Eagle | K2 Mint |
| K2 Citron | K2 Standard | K2 Silver |
| K2 Mellon | Super Kush | K2 Peach |
| K2 Pineapple | Bayou Blaster | Spike Gold |
| K2 Standard | Paradise | Spike Maxx |
| K2 Summit | Red Bird | Spike Diamond |
| S1. S Werve | Magic Spice | Spike Silver |
| Chronic Spice | Voodoo Magic | K2 Strawberry |
| K3 Mango | Texas Gold | K2 Pineapple Express |
| K3 Original | Demon | K2 Blueberry |
| XTREME Spice | K3 | K2 Pink |
| Stinger | K2 Pink Panties | K2 Blonde |
| Pulse | Heaven Improved | K2 Summit |
| Mystery | K3 Sun | K2 Citron |
| Bad 2 the Bone | K3 Dusk | K2 Ultra |
| Dragon Spice | K3 Original Improved | K2 Blue |
| Samurai Spirit | K2 Summit | MNGB Tropical Thunder |
| Buzz | New K3 Heaven | MNGB Pinata Colada |
| Midnight Chill | New K3 Earth | MNGB Almond/Vanilla |

| | |
|----------------------------------|------------------------------------|
| MNGB Peppermint | Skunk |
| MNGB Spear Mint | Sence |
| p.e.p. pourri Twisted Vanilla | EX-SES Platinum Blueberry |
| p.e.p. pourri Original Spearmint | EX-SES Platinum Cherry |
| p.e.p. pourri Love Strawberry | EX-SES Platinum Strawberry |
| p.e.p. pourri X Blueberry | EX-SES Platinum Vanilla |
| K2 Summit | Magic Silver |
| Voo Doo Remix (orange package) | Apice Artic Synergy |
| Voo Doo Remix (black package) | Spice Diamond |
| Banana Cream Nuke | Spice Gold |
| K4 Silver | Spice Tropical Synergy |
| K4 Gold | Spicey Regular XXX Blueberry |
| K3 Heaven Improved | Spicey Regular XXX Strawberry |
| K3 Heaven Legal | Spicey Ultra Strong XXX Vanilla |
| K3 Sun Legal | Spicey Ultra Strong XXX Strawberry |
| K3 Sun Improved | Spike 99 Ultra Blueberry |
| K3 Kryptonite | Spike 99 Ultra Cherry |
| K3 XXX | Spike 99 Ultra Strawberry |
| K3 Cosmic Blend | Spicey Ultra Strong XXX Vanilla |
| K3 Original | EX-SES Platinum Strawberry |
| C4 | Spice Gold |
| K1 Gravity | Chill Out |
| K1 Orbit | Smoke |
| K2 Pina Colada | Forest Humus |
| Rasta Citrus Spice | Scope Vanilla |
| Kind Spice | Scope Wildberry |
| Time Warp | Chill X |
| Pink Tiger | Space |
| Humboldt Gold | Silent Black |
| K2 Orisha Regular | Sence |
| K2 Orisha Max | Smoke |
| K2 Orisha Super | Caneff |
| K2 Amazonian Shelter | Spice Gold |
| K2 Solid Sex on the Mountain | Gold Spirit Spice |
| Midnight Chill | Yucatan Fire |
| Unknown cigarette | Magic Gold |
| Freedom | Spice Diamond |
| K2 Sex | Bombay Blue |
| K2 Orisha White Magic Super | Dream |
| K2 Orisha Black Magic Max | Smoke Plus |
| K2 Thai Dream | Spice Tropical Synergy |
| K4 Bubble Bubble | Magic Silver |
| MTN-787 | Diamond Spirit |
| K2 Kryptonite | Mojo |
| Legal Eagle Apple Pie | Genie |
| K4 Purple Haze | Spike 99 |
| K4 Summit Remix | Potpourri Gold |
| 8-Ball | Jamaican Gold |
| C4 | Potpourri |
| K2 | Winter Boost |
| Tribal Warrior | Citrus |
| Spike99 | Spice Gold |
| exSES | Spicey XXX |
| Spice Silver | Spike 99 |
| Spice Gold | EX-SES Platinum |
| Spice Diamond | |
| Yucatan Fire | |
| Smoke | |

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

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

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

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

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

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

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

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

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

8-15-9: **RESERVED FOR FUTURE USE** (amd. Ord. 06-26, 10-2-06)

8-15-10: **RECONNECTIONS:** In the event utility service has been disconnected due to nonpayment of bills, then such utility service shall not be reconnected until all outstanding bills for utility service to the property, any forfeited or lost discounts, any costs incurred by the Village as a result of the discontinuance and reinstatement of said utility service, and a reconnection service charge of fifty dollars (\$50.00) each for gas and water service have been paid in full. In the event there are delinquent charges to more than one property of a particular owner, then service will not be reconnected until all outstanding bills for utility service to all properties owned by that owner are brought current. Reconections will be performed only during normal working hours and only if sufficient Village personnel are available to perform the reconnection during normal working hours. (amd. Ord. 01-32, 11-19-01)

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

- (A) Village utility billing personnel shall be available during regular business hours to receive and consider disputes of any customer relative to an account for utility service. Customers having a dispute which cannot be resolved by utility billing personnel may request a hearing in writing, directed to the Village utility office.
- (B) Requests for a hearing shall be made in writing and contain the name, address, and telephone number of the person requesting the hearing, the address at which utility service is received and which is the subject of the dispute, the specific grounds or reasons for which the hearing is requested, and the specific relief requested.
- (C) Upon filing a request for a hearing, a hearing shall be scheduled with the customer. If the customer has been sent a notice of delinquency, the hearing shall be scheduled on or before the disconnection date specified in the notice of delinquency.
- (D) The Business Manager, or his or her designee, shall serve as hearing officer for any hearings which may be held under this Section. The decision of the hearing officer with respect to the dispute shall be final.

CHAPTER 9

SIGN REGULATIONS

SECTION:

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|----------|---|
| 10-9-1: | Purpose |
| 10-9-2: | Definitions |
| 10-9-3: | General Application Of Sign Regulations; Building Permit Required |
| 10-9-4: | General Regulations For Signs |
| 10-9-5: | Sign Regulations Within Residential Districts |
| 10-9-6: | Sign Regulations Within Business Districts |
| 10-9-7: | Sign Regulations Within Industrial Districts |
| 10-9-8: | Application Of Other Laws |
| 10-9-9: | Severability Clause |
| 10-9-10: | Violation And Penalty |

10-9-1: **PURPOSE:** The following regulations are provided to maintain the attractiveness and orderliness of the appearance of the Village and to protect the public safety.

10-9-2: **DEFINITIONS:**

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|---------------------|---|
| ADVERTISING SIGN: | Any sign, including the supporting structure, which directs attention to a business, service, or activity not conducted upon the premises, or a product not offered or sold upon the premises where such a sign is located. |
| ATTACHED SIGN: | A sign permanently affixed to the exterior surface of a building. No attached sign shall project further than twelve inches (12") from said building. |
| BANNER: | A type of sign. If it is not more than 16 square feet, it shall not be counted against the allowable sign area for a property. If it is greater than 16 square feet, it shall. (amd Ord. 11-30, 1-3-12) |
| BACK-TO-BACK SIGN: | A structure with two (2) parallel and directly opposite signs with their faces oriented to opposite directions. Back-to-back signs may be separated by not more than four feet (4'). A back-to-back sign shall constitute one sign. |
| BUSINESS SIGN: | A sign, including any supporting or framing structure, which directs attention to a business or profession conducted upon the premises or to a commodity, service, or entertainment sold or offered upon the premises on which the sign is located. |
| DIRECTIONAL SIGN: | An on premises sign giving directions, which may contain the name or logo of an establishment, but not contain any advertising copy. (Ord. 99-36, 11-15-99) |
| FREE-STANDING SIGN: | Any sign permanently erected on a free-standing framework supported and affixed by one or more uprights or braces in or upon the ground. |
| ILLUMINATED SIGN: | Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes. |
| PERSON: | Any person, firm, partnership, association, corporation, company, or organization of any kind. |

POLITICAL SIGN: A temporary sign used in connection with a local, state, or national election or referendum. (Ord. 99-36, 11-15-99)

PORTABLE SIGN: Any sign not classified as an attached or free-standing sign or a vehicle sign or a banner. (amd. Ord. 07-03, 5-7-07; amd. Ord. 11-30, 1-3-12)

SIGN AREA: The area encompassed within the shortest line drawn around the perimeter of the display, message, or wording, including all letters and designs which are part of the sign; including border and trim, but excluding bases, aprons, supports, and other structural members; whichever is greater. The total allowable sign area for a property includes the total of both business and advertising signs. The terms "sign area" and "gross sign area" are used interchangeably. (amd. Ord. 99-36, 11-15-99)

VEHICLE SIGN: A sign located on a vehicle or trailer. (Ord. 07-03, 5-7-07)

10-9-3: GENERAL APPLICATION OF SIGN REGULATIONS; BUILDING PERMIT REQUIRED: No sign, outdoor advertising structure, or display of any character shall be permitted except in conformity with the following regulations. A building permit is required for erection, construction, placement, or replacement of any sign to be permanently attached to a building or to be permanently erected as a free-standing sign.

10-9-4: GENERAL REGULATIONS FOR SIGNS:

- (A) No illuminated business or advertising sign shall be of such brightness or shall flash, scintillate, or move as to create hazardous or annoying glare. Time and temperature or message signs not otherwise prohibited under this regulation will be allowed, provided they do not create hazardous or annoying glare.
- (B) No business or advertising sign shall be so located as to materially impede or so illuminated as to interfere with the effectiveness of any traffic control device or obstruct a motorist's view at any street or highway intersection or any railroad sign or signal at any railroad crossing.
- (C) Signs used exclusively for the posting or displaying of official notices by a public agency or official or by a person giving legal notice, and signs erected or maintained by a public agency or official, or required by law to be displayed by a public utility for directional warning or informational purposes are not subject to the regulations of this Chapter. Informational and directional signs (which may include a corporate identity symbol) are exempt from this regulation.
- (D) No business or advertising sign shall be pasted or painted directly on the surface of any wall or roof.
- (E) No sign shall be permitted to be placed on a fence in any residential district.
- (F) No sign shall be permitted to be placed on a fence in any commercial or industrial district unless said fence meets setback requirements for a sign in that zoning district.
- (G) Temporary signs are allowed without a permit and are subject to the following:
 1. Real estate signs shall comply with the size limitations of "For Sale" or "For Rent" signs as specified in Sections 10-9-5, 10-9-6, and 10-9-7.
 2. Political signs as defined in Section 10-9-4(S).

3. Temporary signs on the property where the activity is occurring shall not exceed thirty two (32) square feet unless a more restrictive size is specified in this paragraph. All other temporary signs shall not exceed sixteen (16) square feet unless a more restrictive size is specified in this paragraph.
 4. Those announcing a campaign drive or civic event shall not be on the property more than ninety (90) days before the event or seven (7) days after the event has ended.
 5. Barker signs, provided they do not exceed a size of eighteen (18) square feet and are not used for a period of time exceeding four (4) consecutive days. They shall not be used in such a manner as to impede vehicular or pedestrian traffic, or constitute a safety hazard.
 6. Construction signs as defined in 10-9-5(E), 10-9-6(F), and 10-9-7(D). One (1) for each company or service is allowed.
 7. Temporary signs do not count against the total signage otherwise allowed on a lot.
 8. Permission of the property owner must be obtained for any temporary sign.
 9. They shall not be placed on any right-of-way, street, alley, sidewalk, driveway, or other public way or property.
 10. They shall not obstruct a motorist's view on any street or intersection.
(Ord. 07-31, 9-4-07)
- (H) Signs indicating the time and place of meetings of civic organizations are permitted on the main entry roads into town, provided only one sign structure is utilized to accommodate all such notices on each major entry road.
- (I) Portable signs are allowable only under the following conditions:
1. The sign area shall not exceed thirty two (32) square feet, and any one face shall not exceed sixteen (16) square feet.
 2. A portable sign cannot be illuminated.
 3. A portable sign may be located only in districts zoned B-1, B-2, or B-3.
(Ord. 83-16, 9-6-83)
 4. Only one (1) portable sign per business location shall be allowed. The location where the portable sign is displayed must be on the same lot where the business is located.
(Ord. 84-8, 9-4-84)
 5. The height of a portable sign cannot exceed five feet (5'). (Ord. 07-31, 9-4-07)
- (J) Except for low silhouette business signs, no free-standing sign shall be established closer to the street than one-half (1/2) the setback required under the appropriate zoning classification. No portion of any business sign may be placed on or extended over the right of way line of any street or highway, except for one foot (1') of flush signs where existing buildings have no front or side yards. One (1) low silhouette sign per business may be located within the required landscaped yard, provided it is not closer to the proposed right of way line than one-half (1/2) the appropriate landscaped yard requirement and provided it complies with the obstructions to visibility requirements of Section 10-4-3(l). A low silhouette sign shall not exceed four and one-half feet (4 1/2') in height. (amd. Ord. 00-04, 5-15-00)
- (K) All signs shall be maintained in good and safe structural condition. The painted portions of signs shall be periodically repainted and kept in good condition. Illuminated signs shall be kept in proper working order.

- (L) The general area in the vicinity of any sign on undeveloped property must be kept free and clear of sign materials, weeds, debris, trash, and other refuse.
- (M) Advertising signs shall not be established at any location having principal frontage on any street within three hundred feet (300') of any property which is used for public park, public school, church, city hall, or public museum having principal frontage on the same street or within three hundred feet (300') of any residential zone abutting the business or industrial zone when such sign face would face into the residential zone.
- (N) No outdoor advertising sign or part thereof shall be located on any property without the consent of the owner, holder, lessee, agent, or trustee.
- (O) Removal Of Signs: Any sign which for fourteen (14) consecutive days has directed attention to a product, place, activity, person, institution, or business which is no longer in operation or existence shall be deemed to be abandoned and shall be removed according to the following: a) The sign face shall be removed and replaced with a blank face within forty-six (46) days of the expiration of said fourteen (14) day period; and b) all structural supports, braces, poles, and framework shall be removed within two hundred eighty-five (285) days of the expiration of said fourteen (14) day period. The person who erected the sign on the premises and the owner of said premises, if different, shall be jointly and severally responsible for the removal of said sign, including all structural supports, braces, poles, and framework within the aforesaid time periods. (amd. Ord. 01-24, 10-5-01)
- (P) Except where otherwise specifically stated herein, any sign in existence on the effective date of this Title which does not comply with the provisions of this Title may continue in existence as a matter of right and may be maintained and repaired pursuant to the provisions of Title 10, Chapter 4, Section 2(A) of this Code.
- (Q) Directional Signs are allowable subject to the following conditions.
1. No setback is required.
 2. They shall not exceed a height of four feet (4').
 3. Six (6) square feet per sign is allowed. The square footage is not to be included in computing the total general allowable sign area for the property. (Ord. 99-36, 11-15-99)
- (R) Inflatable Signs are allowed for a period of one (1) week per thirty (30) day period. (Ord. 99-36, 11-15-99)
- (S) Political signs are allowed, subject to the following provisions:
1. They must be removed within seven (7) days of the election they refer to unless they are on property zoned residential. (amd. Ord. 10-19, 10-4-10)
 2. The maximum allowable size is four (4) square feet in residential districts, and thirty-two (32) square feet in commercial and industrial districts.
 3. No sign permit is required, but permission of the property owner must be obtained before placing the signs.
 4. They may not be placed on any right-of-way, street, alley, sidewalk, driveway, or other public way or property. (Ord. 99-36, 11-15-99; amd. Ord. 04-41, 11-15-04)

- (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, except height, where because of unique conditions of the property on which the sign is to be placed, the regulations contained herein would be inappropriate¹. No variances may be granted for the heights of a sign in any district. 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; amd. Ord. 11-30, 1-3-12)
 - (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(H)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)

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, Zoning Enforcing Officer, and Treasurer. (amd. Ord. 06-16, 7-10-06; amd. Ord. 11-23, 11-7-11; amd. Ord. 11-31, 1-3-12)

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.

- (B) If an employee other than supervisory personnel shall be required to work more than forty (40) hours per week, the employee shall receive one and one-half (1 1/2) times his hourly salary (base plus longevity plus incentive pay) for each hour worked in excess of forty (40) hours per week. The foregoing provision does not apply to the Chief of Police, Deputy Chief of Police, Director of Fire and Emergency Medical Services, Superintendent of Public Works, Treasurer, and Zoning Enforcing Officer. (amd. Ord. 06-16, 7-10-06; amd. Ord. 11-23, 11-7-11; amd. Ord. 11-31, 1-3-12)
- (C) If an employee other than supervisory personnel shall work on a paid holiday, the employee shall receive twice his hourly salary (base plus longevity plus incentive pay) for each hour worked on said holiday.
- (D) The following paid holidays shall be observed:
1. New Year's Day
 2. Good Friday
 3. Memorial Day
 4. Independence Day
 5. Labor Day
 6. Thanksgiving Day and the Friday after
 7. Christmas Day and the day before or the day after
- (E) For purposes of determining the hourly rate to be used in calculating any overtime or holiday pay due employees, the following formula shall be used:
- $$\text{Hourly Rate} = \frac{\text{Official Monthly Rate} \times 12}{2080}$$
- (F) Those employees other than supervisory personnel who are on a 28-day work schedule, who have a scheduled day off falling on a holiday, shall receive eight (8) hours' pay, in addition to their regular salary.
- (G) An employee shall be considered full-time if he works in excess of eighteen hundred (1800) hours per year. Only full-time employees shall be eligible for the benefits contained in this section and in the other sections of this resolution. (amd. Ord. 05-18, 9-6-05)
- (H) The following provisions shall apply to the following positions: Superintendent of Gas Distribution, Superintendent of Streets, Superintendent of Wastewater Treatment, Superintendent of Water Distribution, and Superintendent of Water Treatment:
1. If a Superintendent is requested by the Superintendent of Public Works to work a shift or half shift, then said Superintendent shall be entitled to be compensated for same at his straight hourly rate, or at the option of the Superintendent, he may elect compensatory time. The election by the Superintendent shall be made within the pay period for which the shift was worked. Once the Superintendent makes an election, he may not thereafter change same.
 2. Any compensation time which a Superintendent accrues shall be taken during that calendar year.

- 3. A half shift is defined as four (4) consecutive hours of work within a twenty-four (24) hour period. A full shift is defined as eight (8) consecutive hours of work within a twenty-four (24) hour period. These periods are times other than the normal work schedule for the Superintendent.
- 4. No compensation time shall accrue or be paid for other than as specifically provided in paragraph 1.

12-3-3: **LONGEVITY INCREASES:**

(A) Full-time employees hired before January 1, 2008, shall receive longevity pay in the following amounts according to the following schedule:

| <u>Required Years of Employment</u> | <u>Longevity Increase Added to Base Salary</u> |
|-------------------------------------|--|
| 3 | 2% of Base Salary |
| 6 | 4% of Base Salary |
| 9 | 6% of Base Salary |
| 12 | 7% of Base Salary |
| 15 | 8% of Base Salary |
| 18 | 9% of Base Salary |
| 21 | 10% of Base Salary (maximum amount) |

(B) Full-time employees hired on or after January 1, 2008, shall receive longevity pay in the following amounts according to the following schedule:

| <u>Required Years of Employment</u> | <u>Longevity Increase Added to Base Salary</u> |
|-------------------------------------|--|
| 5 | 2% of Base Salary |
| 10 | 4% of Base Salary |
| 15 | 6% of Base Salary |
| 17 | 7% of Base Salary |
| 19 | 8% of Base Salary |
| 21 | 9% of Base Salary |
| 23 | 10% of Base Salary (maximum amount) |

(C) Longevity pay shall be in addition to an employee's base salary. Longevity pay and any increases thereto shall begin on the first pay period following the date that the required years of employment are completed.

(amd. Ord. 07-53, 1-7-08)

12-3-4: **VACATIONS:**

(A) Full-time employees shall be entitled to a paid vacation subject to the conditions stated in this Section, and vacation shall begin to accrue at the date of hire. Vacations are paid by reason of time earned. Employees will become eligible for vacation any time during the calendar year they complete one (1) year of service. However, new employees must complete a minimum of six (6) months of service before taking any vacation time. Employees will continue to be eligible for the amount of vacation, as described in the following schedule, in the calendar year that they complete the required years of service.

4. If an employee has consumed alcohol or taken any prohibited drugs while on duty, he shall not be eligible for any program.
5. If an employee does enroll in a program, he shall use all of his sick time, vacation time, and compensation time, in that order. Any additional time required by the program shall be taken in a non-pay status. The total amount of time an employee is absent from work for such program shall not exceed thirty (30) days.

(I) The following disciplinary policies shall be in effect:

1. All of the following violations shall subject an employee to termination:
 - (a) Using, selling, or dispensing illegal drugs on or off duty;
 - (b) Refusal to take any tests;
 - (c) Refusing to cooperate in the assessment of the need for an assistance program, or refusing to enroll or failing to successfully complete any required assistance program;
 - (d) Consumption of alcohol on duty.
2. If an employee reports to work with a blood alcohol content of 0.02% or greater, but less than 0.04%, the following applies:
 - (a) First offense: One (1) to two (2) calendar day suspension without pay.
 - (b) Second offense: At the option of the employee, one (1) to two (2) day suspension without pay and enrollment in EAP, or seven (7) calendar day suspension without pay.
 - (c) Third offense: Immediate removal from work and mandatory enrollment in EAP. Only upon successful completion of EAP shall employee be allowed to return to work.
3. If an employee reports to work with a blood alcohol content of 0.04% or more, then the employee shall enroll in the EAP and successfully complete it. The employee shall immediately be removed from work, and shall be allowed to return to work only upon successful completion of the EAP.
4. If an employee has already taken the EAP, then, if the employee subsequently violates any of the blood alcohol content rules, he or she shall be subject to termination of employment.
5. Notwithstanding the provisions of Sections 12-3-14-I-1, 2, and 3 above, if a violation causes personal injury to another party, the employee shall be subject to immediate termination.
6. In the event of any violation of any provision of this policy, the Administrator may require the employee to be assessed for enrollment in EAP, and if determined necessary, successfully complete the program in addition to any disciplinary action. The right of the Administrator herein shall apply notwithstanding the provisions of Section 12-3-14-I-2.

(J) This policy may be amended from time to time at the discretion of the President and Board of Trustees of the Village of Morton. It shall also be deemed to automatically incorporate any provisions of federal or state law that might otherwise require more restrictive procedures. (Ord. 03-26, 10-20-03; amd. Ord. 03-37, 2-2-04)

12-3-15: RESIDENCY OF EMPLOYEES:

- (A) All regular, full-time employees of Public Works Department who are regularly scheduled to be “on-call” as a part of their job and all regular, full-time paramedics shall reside within ten (10) miles of Village Hall, located at 120 North Main Street, but within Tazewell County, except as otherwise provided for herein. For the purpose of this policy, the ten (10) mile limit shall include the corporate limits of the City of Pekin and the Village of Deer Creek.
- (B) Employees of the Gas Distribution Department and the Water Distribution Department shall reside within seven (7) miles of Village Hall, located at 120 North Main Street, but within Tazewell County.
- (C) While “on-call,” employees of the Public Works Department, other than employees of the Gas Distribution Department and the Water Distribution Department, shall remain within ten (10) miles of Village Hall, located at 120 North Main Street, but within Tazewell County, or within the corporate limits of the City of Pekin or the Village of Deer Creek. While “on-call,” employees of the Gas Distribution Department and the Water Distribution Department shall remain within seven (7) miles of Village Hall, located at 120 North Main Street, but within Tazewell County.
- (D) The following employees shall be required to reside within the corporate limits of the Village of Morton: Director of Fire and Emergency Services, Superintendent of Public Works, Superintendent of Streets, Superintendent of Gas Distribution Department, Superintendent of The Wastewater Treatment Department, Superintendent of The Water Distribution Department, Superintendent of The Water Treatment Department, and Zoning Enforcing Officer.
- (E) Residency requirements for employees covered under collective bargaining agreements shall be as provided for in those agreements.
- (F) Residency shall not be a requirement to be considered for employment or to be hired; however, new employees who are not in compliance with the provisions of this policy at the time of hire shall establish residency as provided for herein within one (1) calendar year of their date of hire. The Village President is hereby authorized to extend this time period due to personal hardship at his or her sole discretion. Such residency shall be maintained continuously during the term of employment.
- (G) Any employee who fails to establish or maintain residency as provided for herein shall have his or her employment with the Village terminated.
(Ord. 07-07, 6-4-07; amd. Ord. 07-29, 9-4-07; amd. Ord. 11-31, 1-3-12)

12-3-16: LEAVE WITHOUT PAY:

- (A) A regular, full-time employee with at least one (1) calendar year of consecutive service who has a need to be absent from work for any reason, and who is not eligible for any other types of leave, may request leave without pay. Leave without pay shall not be granted unless all accrued and applicable paid leaves have been exhausted.
- (B) Requests for leave without pay for a period not to exceed eight (8) working hours shall be submitted to, and require the approval of, the employee’s supervisor. Requests for leave without pay exceeding eight (8) working hours, but not exceeding forty (40) working hours, shall be submitted in writing to, and require the approval in writing of, the Village President.

In requesting leave without pay, an employee shall indicate the reason for the leave, the date the leave is requested to begin, and the date the leave is requested to end. Leave without pay shall be granted for a specific time period with a fixed ending date.

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Supplement 224 - September 2012
Includes Ordinances: 12-02, 12-03, 12-04, 12-05, 12-09, 12-11

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PREFACE

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

12-02, May 21, 2012
12-03, June 18, 2012
12-04, June 4, 2012
12-05, June 18, 2012
12-09, July 30, 2012
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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.

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 | Six (6) |
| Class A-3 | Zero (0) |
| Class A-4 | One (1) |
| Class B-1 | Three (3) |
| Class B-2 | Thirteen (13) |
| Class B-3 | Three (3) |
| Class C | One (1) |
| Class D | Two (2) |
| Class E | Nine (9) |
| 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; amd. Ord. 11-33, 3-19-12; amd. Ord. 10-35, 4-2-12; amd. Ord. 12-05, 6-18-12)

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.

- (C) Transmits in any manner to the Fire Department a false alarm of a fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or
- (D) Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place; or
- (E) Transmits in any manner to any peace officer, public officer, or public employee a report to the effect that an offense has been committed, knowing at the time of transmission that there is no reasonable ground for believing that such an offense has been committed; or
- (F) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or
- (G) While acting as a collection agency as defined in the Collection Agency Act, or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy, or intimidate the alleged debtor.
- (H) Transmits or causes to be transmitted in any manner to the police department or fire department or paramedic department a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required; or
- (I) Calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency.

Any person who violates the provisions of this Section shall be subject to arrest and, upon conviction, shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than seven hundred fifty dollars (\$750.00) except that where said person has been convicted of this offense at any prior time, there shall be added to said minimum fine the amount of twenty five dollars (\$25.00) for each such prior conviction. (Ord. 96-40, 4-7-97; amd Ord. 99-37, 12-6-99; amd. Ord. 12-11, 8-20-12)

6-2-7: **DISTURBING ASSEMBLAGES:** It shall be unlawful for any person to disturb any lawful assemblage or gathering in the Village. (Ord. 96-40, 4-7-97)

6-2-8: **DRUG PARAPHERNALIA-DEFINITIONS:** As used in this Chapter, unless the context otherwise requires:

- (A) The term "cannabis" shall have the meaning ascribed to it in section 3 of the "Cannabis Control Act",¹ as if that definition were incorporated herein.
- (B) The term "controlled substance" shall have the meaning ascribed to it in section 102 of the "Illinois Controlled Substances Act",² as if that definition were incorporated herein.
- (C) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

¹ 720 ILCS 550/3.

² 720 ILCS 570/102.

- (D) “Drug paraphernalia” means all equipment, products, and materials of any kind which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body cannabis or a controlled substance in violation of the “Cannabis Control Act”³ or the “Illinois Controlled Substances Act”.⁴ It includes, but is not limited to:
1. Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing, or preparing cannabis or a controlled substance;
 2. Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;
 3. Testing equipment intended to be used unlawfully for private home use in identifying or in analyzing the strength, effectiveness, or purity of cannabis or controlled substances;
 4. Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;
 5. Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:
 - (a) Water pipes;
 - (b) Carburetion tubes and devices;
 - (c) Smoking and carburetion masks;
 - (d) Miniature cocaine spoons and cocaine vials;
 - (e) Carburetor pipes;
 - (f) Electric pipes;
 - (g) Air-driven pipes;
 - (h) Chillums;
 - (i) Bongs;
 - (j) Ice pipes or chillers;
 6. Objects which are used or intended to be used to ingest, inhale, or otherwise introduce cannabis or a controlled substance into the human body.
 7. Any item whose purpose, as announced or described by the seller, is for use in violation of this Chapter. (Ord. 96-40, 4-7-97; amd. Ord. 02-01, 5-6-02; amd. Ord. 03-33, 11-17-03)

6-2-8.1: SALE OR DELIVERY-PENALTY-PUBLIC NUISANCE:

- (A) Any person who keeps for sale, offers for sale, sells, or delivers for any commercial consideration any item of drug paraphernalia commits an offense. For a first offense, a fine of three hundred dollars (\$300.00) shall be imposed. For any subsequent offenses, a fine of seven hundred fifty dollars (\$750.00) shall be imposed.

³ 720 ILCS 550/1 et seq.

⁴ 720 ILCS 570/100 et seq.

- (B) Any store, place, or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold, or delivered for any commercial consideration is declared to be a public nuisance. (Ord. 96-40, 4-7-97; amd. Ord. 99-37, 12-6-99)

6-2-8.2: POSSESSION OF DRUG PARAPHERNALIA:

- (A) A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, commits an offense.
- (B) In determining intent under subsection (A) of this Section, the trier of fact may take into consideration the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.
- (C) For a first offense, a fine of three hundred dollars (\$300.00) shall be imposed. For any subsequent offenses, a fine of seven hundred fifty dollars (\$750.00) shall be imposed. (Ord. 96-40, 4-7-97; amd. Ord. 99-37, 12-6-99)

6-2-9: FIRES: Except as otherwise provided in this Section, no person shall set fire to or cause or permit to be burned in any yard, lot, street, or alley, an "rubbish" as defined in Section 7-2-22 of this Code, or any "litter" as defined in Section 7-2-21 of this Code, or any other combustible material.

No person shall set fire to, or cause or permit to be burned, within the corporate limits of the Village of Morton any "garbage" as defined in Section 7-2-3 of this Code.

The Director of Fire and Emergency Services may at his discretion authorize the burning of any combustible material within the Village, including, but not limited to, brush, scrap building materials, and vacant houses scheduled for demolition. No person shall be authorized to burn any material or structure under the provisions of this Section unless he has first obtained permission to do so from the Director of Fire and Emergency Services.

Any other provision of this Section to the contrary notwithstanding, it shall be lawful for any person as a means of cooking food to burn combustible material ordinarily used for the purpose of cooking food outdoors in a permanent or temporary outdoor fireplace, grill, or barbecue pit, provided, however, that any such fire must be kept a sufficient distance from any building, structure, or other material so as not to constitute a fire hazard. (Ord. 97-9, 7-7-97)

6-2-10: GAMBLING:

6-2-10.1: DEFINITION:

- (A) A person commits gambling when he:
1. Plays a game of chance or skill for money or other thing of value, unless excepted in subsection (B) of this Section; or
 2. Makes a wager upon the result of any game, contest, or any political nomination, appointment, or election; or
 3. Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures, or distributes any gambling device; or
 4. Knowingly owns or possesses any book, instrument, or apparatus by means of which bets or wagers have been or are recorded or registered, or knowingly possesses any money which he has received in the course of a bet or wager; or

5. Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment, or election; or
6. Sets up or promotes any lottery or sells, offers to sell, or transfers any ticket or share for any lottery; or
7. Sets up or promotes any policy game or sells, offers to sell, or knowingly possesses or transfers any policy ticket, slip, record, document, or other similar device; or
8. Knowingly advertises any lottery or policy game or drafts, prints, or publishes any lottery ticket or share, or any policy ticket, slip, record, document, or similar device, or any advertisement of any lottery or policy game; or
9. Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore, or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this subsection (A)9 prohibits transmission or receipt of such information for use in news reporting of sporting events or contests.

(B) Participants in any of the following activities shall not be convicted of gambling:

1. Agreements to compensate for loss caused by the happening of chance including, without limitation, contracts of indemnity or guaranty and life or health or accident insurance; and
2. Offers of prizes, award, or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength, or endurance or to the owners of animals or vehicles entered in such contest; and
3. Pari-mutuel betting as authorized by the laws of the State; and
4. Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this State when such transportation is not prohibited by an applicable law; and
5. The game commonly known as “bingo”, when conducted in accordance with “an act making lawful to conducting of bingo by certain non-profit organizations, requiring licensing and prescribing regulations, therefor”, as passed by the Illinois General Assembly; and
6. Lotteries when conducted by the State in accordance with the “Illinois Lottery Law”, enacted by the 78th General Assembly. (Ord. 96-40, 4-7-97)

6-2-10.2: **GAMBLING DEVICE:**

(A) A “gambling device” is any clock, tape machine, slot machine, or other machine or device for the reception of money or other thing of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won, or lost; or any mechanism, furniture, fixture, equipment, or other device designed primarily for use in a gambling place. A “gambling device” does not include:

1. A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property, or right to receive money or property.
2. Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.

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 and Development Fees | 13 |
| Deferred Annexation Fees | 14 |
| Utility Billing And Collection Policies And Procedures . | 15 |
| Dedication of Land for Bike Path | 16 |

4. The Village shall be given notice of the test no less than four (4) hours prior to the proposed test time, with the test being scheduled during regular Village working hours only. If the initial pressure test fails, it will be rescheduled. The Village may charge actual costs for time involved with retesting. After witnessing a successful pressure test, the Village Gas Department may turn on the service.

- (F) No connection will be made with any house pipe manifold that has not been tested for leakage, or which is not rigidly connected to the building.
- (G) The Village shall have the right and option to demand changes, removal, or replacement of any pipe, fixture, or apparatus which is considered to be faulty, inadequate, or hazardous, provided, however, that this provision shall not obligate the Village in any way or manner. The Village shall have the right to refuse or discontinue gas service without notice to its customers if the Village finds any apparatus or appliance in operation which would be detrimental or hazardous to the efficient operation of the existing facilities.
- (H) All persons, firms, corporations, and customers are strictly forbidden to attach any electrical ground wire to any fixture or piping which is or may be connected to any gas service pipe, meter, or main belonging to the Village. The Village will hold the owner of the premises responsible and liable for any damage to its property or injury to the employees of the Village caused by such ground wire. Any and all persons, firms, corporations, and customers shall remove any existing ground wires immediately, and if such ground wires are not removed after twenty four (24) hours' written notice, the Village, through its officials, may enter the property and remove such ground wires, and the customer shall pay all costs.
- (I) Any service which has had no consumption for twenty four (24) consecutive months shall be abandoned and disconnected at the main by the Village, per Gas Utilities Alliance regulations. The cost of reconnection and a new pressure test shall be borne by the property owner. Any meter on a multiple service which has had no consumption for twenty four (24) consecutive months shall be removed.
- (J) If the owners of property within the corporate limits of Morton desire that the property they own obtain gas service, it must be obtained from Morton unless a gas main is not available to provide the service or unless service is currently being provided by Ameren pursuant to prior agreement by Morton. Morton has sole discretion in determining whether a gas main is available. (Ord. 96-12, 7-1-96; amd. Ord. 12-09, 7-30-12)

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

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

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

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

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

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

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

(B) The charge for gas shall be determined monthly, as follows:

1. The SPW shall determine the total cost of gas purchases during the previous month, said cost shall include all storage, usage, transportation, demand, shrinkage, and other costs of purchase incurred.
2. The SPW shall determine the total volume of gas purchased the previous month.
3. The total cost of gas purchased divided by the volume purchased will equal the average cost of gas on a per-therm basis. One (1) therm shall be deemed to equal one hundred (100) cubic feet.
4. The rate to be charged to users of gas shall be the average cost per therm, as calculated monthly, plus the gross mark-up per therm, as follows:
 - (a) Effective May 1, 2009: sixteen cents (\$0.16) per therm
 - (b) Effective May 1, 2010: eighteen cents (\$0.18) per therm
 - (a) Effective May 1, 2011: twenty cents (\$0.20) per therm
 (amd. Ord. 01-29, 12-3-01; amd. Ord. 08-39, 3-2-09)

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

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

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

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

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

CHAPTER 13

BASIC ANNEXATION FEES AND DEVELOPMENT FEES

SECTION:

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

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

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

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

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

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

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

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

While employees may be able to take vacation any time during the calendar year that it is earned, it is understood by both parties that an employee does not actually earn the vacation time until completion of the required number of years of service. Employees who retire, resign, or who are terminated, shall receive pay for any vacation time earned but not taken. If an employee has taken vacation which has not yet been earned, and then terminates employment, the amount so taken shall be deducted from his or her final pay or otherwise paid back by the employee.

| <u>Years of Employment</u> | <u>Vacation</u> |
|----------------------------|--------------------------|
| Less than 1 year | 5 days pro-rated |
| 1 year and less than 2 | 5 days |
| 2 years and less than 5 | 10 days |
| 5 years and less than 11 | 15 days |
| 11 years and less than 12 | 16 days |
| 12 years and less than 13 | 17 days |
| 13 years and less than 14 | 18 days |
| 14 years and less than 15 | 19 days |
| 15 years or more | 20 days (maximum number) |

Years of employment is determined based on calendar year. Days earned in the first year of hire (which starts on date employee is hired) may be carried over to the next calendar year and shall be used in that calendar year. No other carryover of vacation days is allowed. (amd. Ord. 12-02, 5-21-12)

(B) If an employee other than supervisory personnel has earned more than five (5) days of vacation, he may, at the discretion of the Department Superintendent and the Superintendent of Public Works, or the Treasurer/Comptroller, or the Director of Fire and Emergency Medical Services, "sell back" to the Village any vacation time up to a maximum of five (5) days. The employee will be paid for such time at the straight hourly rate. Any request to sell back days shall be made prior to December 15 of each year and to the extent granted shall be paid by January 31 of the following year. (amd. Ord. 12-02, 5-21-12)

(C) In the event the Chief of Police, Deputy Chief of Police, Director of Fire and Emergency Medical Services, Zoning Enforcing Officer, Superintendent of Public Works, Treasurer/Comptroller, Superintendent of Gas Distribution, Superintendent of Streets, Superintendent of Wastewater Treatment, Superintendent of Water Distribution, or Superintendent of Water Treatment has not used all of his vacation prior to December 31 of any year, then such individual shall sell back to the Village of Morton any unused vacation time up to a maximum of five (5) days. The rate of pay shall be determined as follows: (amd. Ord. 06-16, 7-10-06; amd. Ord. 12-02, 5-21-12)

The employee's annual base salary as of December 31 of that year, plus longevity, shall be divided by 2080 to determine an hourly rate. The hourly rate shall be multiplied by eight (8) hours to determine a daily rate, or if a half-day is involved, by four (4) hours.

The aforesaid buy-back shall occur no later than January 31 of the following year. Any vacation days not used and not sold back to the Village shall be forfeited. (amd. Ord. 03-35, 12-15-03)

12-3-5: EMERGENCY LEAVE:

- (A) Full-time employees shall be entitled to emergency leave days on a calendar year basis, with the number being determined as follows:

| <u>Years of Employment</u> | <u>Emergency Leave Days</u> |
|----------------------------|-----------------------------|
| Less than 1 year | 0 |
| 1 year and less than 2 | 1 |
| More than 2 years | 2 (maximum number) |

- (B) An emergency leave day shall not be used to extend a vacation or holiday period, and shall not be taken in less than one-hour increments. The purpose and intent of emergency leave days is to allow an employee to conduct essential personal and family business, or to assist with family medical needs which cannot otherwise be conducted outside of the employee's normal working hours. All emergency leave days shall require the prior consent and approval of the employee's supervisor. (amd. Ord. 08-04, 7-7-08)
- (C) In the event an employee has not used all of the emergency leave days in a calendar year, they shall be forfeited and not carried over for use in a subsequent year. Employees shall not be additionally reimbursed or otherwise compensated for unused emergency leave days.

12-3-6: SICK LEAVE:

- (A) Each full-time employee will accrue one (1) day of "sick leave" for each calendar month of employment, effective January 1, 2007. Sick days may be accrued up to a maximum of one hundred twenty (120) days. (amd Ord. 06-23, 9-5-06)
- (B) The employee's supervisor shall have the discretion and authority to determine whether or not an employee is entitled to sick days, and may allow, at his discretion, fractional days. The supervisor may require a physician's certificate or other documentation. (amd. Ord. 03-35, 12-15-03)

12-3-7: FAMILY AND MEDICAL LEAVE ACT (FMLA):

- (A) The provisions of the FMLA shall apply to all employees. If an employee desires to leave pursuant to the FMLA, he/she shall notify his/her immediate supervisor. Leave may be granted in accordance with the FMLA, provided the employee has complied with all applicable provisions of same.
- (B) If an employee is not working due to pregnancy, and she is on leave pursuant to FMLA, she will be paid to the extent she has accumulated "sick leave" days. After all accumulated sick days are used, the employee will not be paid for any days during which she is absent from work due to pregnancy.

12-3-8: FUNERAL LEAVE: Employees shall be entitled to funeral leave, which is exclusive of emergency leave days, based on the following:

- (A) The maximum yearly funeral leave is five (5) days.
- (B) If an employee desires to obtain funeral leave, he shall, as soon as possible under the circumstances, notify his supervisor of his desire for funeral leave. He shall provide such information regarding the request as his supervisor reasonably needs to determine the appropriate number of days. The supervisor shall determine the number of days, if any, that may be allowed. Said determination shall be based on uniform standards.

12-3-9: **DISCRETIONARY BONUSES:** The President and Board of Trustees may annually determine whether a cash bonus, in lieu of a pay increase, will be granted. Such determination shall be at the sole discretion of the President and Board of Trustees, and shall be made in January of each year. In the event the President and Board of Trustees determine that it is in the best interest of the Village of Morton to grant a cash bonus in lieu of a pay increase, then said bonus will be subject to the following conditions:

- (A) It shall be a percentage as determined by the President and Board of Trustees of the base pay in effect for each employee the preceding December.
- (B) Said bonus shall be payable on January 15 and July 15 of that year, in such proportions as the President and Board of Trustees so determine.
- (C) The awarding of a bonus to a particular employee shall be further subject to the approval of that employee's supervisor. Said supervisor may disallow the granting of part or all of such bonus.
- (D) In the event an employee terminates his employment for any reason whatsoever during the year in which the bonus would have been paid, then the amount of said bonus shall be reduced by prorating same to that percentage of the year worked.
- (E) Only full-time employees who have completed one (1) full year (twelve months) of employment prior to January 1 of the year during which any discretionary bonuses might be given shall be eligible for a discretionary bonus.

12-3-10: **INSURANCE:** The Village shall maintain an insurance program on such terms and conditions as the President and Board of Trustees may, from time to time, determine to be appropriate.

12-3-11: **APPLICANTS FOR EMPLOYMENT:**

- (A) If a person has otherwise met all qualifications for employment, and he or she has been offered conditional employment, then he or she shall submit to a medical examination by a licensed physician designated by the Village. Final placement of a person shall be contingent on the results of the examination, which shall be administered in accordance with all applicable laws. Applicant for employment shall be tested for alcohol and illegal drugs. Failure to pass said test shall result in disqualification from consideration for employment.
- (B) Applicants, if requested by the Village, shall execute a release authorizing the Village to obtain the applicant's military, medical, employment, credit, school, or other records that would be pertinent to employment. Said release shall be in a form satisfactory to the Village, and shall release the Village from all liability with respect to obtaining such information.
- (C) Hiring relatives of current employees:
 1. "Relative" shall mean and include a spouse, child, stepchild, grandchild, parent, grandparent, brother, sister, half-brother, half-sister, uncle, aunt, niece, nephew, or the spouse of any of them. These relationships shall include those arising from adoption. Persons who are living together without the benefit of matrimony are also considered as "relatives" under the intent of this policy.
 2. An individual who is a relative of a supervisor within a department may not be appointed to a position in that department. This provision shall apply to all part-time and full-time employees, except those hired by the Board of Fire and Police Commissioners.
 3. Relatives of supervisors may be appointed to other departments.

4. If an employee becomes related subsequent to employment, these limitations shall apply to the continued employment of the person who became a relative subsequent to employment by the Village. In such case, an employee shall transfer to another department if a position is available, or if not, employment shall be terminated within sixty (60) days of the time the prohibited relationship was established.

12-3-12: **EDUCATIONAL ASSISTANCE POLICY:**

- (A) Regular full-time employees who wish to pursue educational courses may receive financial assistance from the Village. The Village will reimburse one hundred percent (100%) of the cost of tuition and those textbooks required for each course. Laboratory fees and other fees and charges are not reimbursable. The reimbursement for tuition for lower division courses (i.e., freshman and sophomore level courses) shall not exceed the semester hour rate then in effect at Illinois Central College. The reimbursement for tuition for upper division courses (i.e., junior and senior level courses) shall not exceed the semester hour rate then in effect at Illinois State University. Employees seeking reimbursement under this Policy shall be required to apply for financial assistance, with any reimbursement by the Village based on the net tuition cost after financial assistance. In order to be eligible for reimbursement, courses must be:
1. Offered by an accredited college or university;
 2. Directly related to the employee's current position or other positions to which the employee might reasonably be promoted or transferred; and
 3. For the purpose of:
 - (a) Directly improving the knowledge, skills, abilities, or job performance of the employee;
 - (b) Preparing the employee for technological or other changes occurring in the employee's career field; or
 - (c) Preparing the employee for a change in duties, functions, or responsibilities, or for the assumption of new and different duties, functions, or responsibilities.
- (B) Master's level courses and degree programs require approval by the Board of Trustees. No doctoral or post-doctoral course or degree program will be approved since no position with the Village requires such a degree.
- (C) Employees who desire to receive assistance under this Policy shall seek the approval of their Department Head prior to enrollment. Department Heads who desire to receive assistance under this Policy shall seek the approval of the Board of Trustees prior to enrollment. Employees shall take courses on their own time. If a course is only offered during working hours, the Department Head may allow time during working hours for class attendance. However, such scheduling shall be at the sole discretion of the Department Head, and except for the use of available paid leave, under no circumstances shall an employee be paid for time spent attending classes. Upon successful completion of an approved course or courses, the employee shall submit to the Department Head a grade report reflecting a grade of "C" or better and receipts for tuition and textbooks in order to receive reimbursement. All claims for reimbursement must be submitted within sixty (60) calendar days of course completion. Reimbursement shall be for a maximum of two (2) courses per school term (i.e., semester, trimester, quarter).
- (D) An employee desiring reimbursement under this Policy shall sign a form stating their intention to remain employed by the Village for two (2) years following the date of such reimbursement. In the event an employee ceases employment with the Village before the expiration of the aforesaid two (2) year period, then the employee will reimburse the Village for one hundred percent (100%) of the amount previously paid by the Village.

- (E) This program does not include expenses for attending seminars, workshops, or short courses or for educational courses required by an employee's Department Head or supervisor, which are covered under each department's training and travel budget.
- (F) Employees who wish to receive financial assistance from the village pursuant to this Policy shall authorize the Village, in writing, to withhold from his/her final paycheck any or all amounts required to reimburse the Village as provided above.
- (G) By issuing this Policy, the Village is not creating any employment contract right in favor of its employees, and its employees are, and continue to be, at-will employees.

12-3-13: **EMPLOYMENT LENGTH FROM DATE OF ABSENCE:** In the event an employee becomes unable to work, for any reason whatsoever, it shall be the policy of the Village of Morton to require that the employee be able to return to work one (1) year from the date of the time he or she first was unable to work, and that unless the employee can fully resume his or her duties, with no limitations, or the Village can otherwise accommodate any disability that might require to be accommodated under the American With Disabilities Act, the employee shall be released from employment. The Village reserves the right, in appropriate circumstances, to terminate employment prior to the expiration of one (1) year.

12-3-14: **DRUG AND ALCOHOL ABUSE POLICY:**

- (A) The purpose of this policy is as follows:
1. To comply with all applicable federal and state statutes, rules, and procedures;
 2. To maintain the highest standards for employee safety and health;
 3. To prevent accidents/injuries resulting from the misuse of drugs and/or alcohol.
- (B) The administrator of the Drug and Alcohol Abuse Program shall be the Business Manager.
- (C) All full-time employees of the Village of Morton (except the Business Manager) shall be covered by this policy, except those who are covered by a collective bargaining agreement.
- (D) Definitions:
- ALCOHOL: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.
- ILLEGAL DRUGS: Any controlled substances or cannabis, as defined by federal or state law.
- ON-CALL STATUS: Applies to Public Works employees for the period of time when the employee is specifically designated to answer after-hour calls and the travel area is restricted.
- PRESCRIPTION: A lawful or written verbal order of a physician, dentist, podiatrist, or veterinarian for any controlled substance.
- STAND-BY STATUS: Applies to Public Works employees who have been placed on notice that they may be required to work at times other than their normal working hours.

- (E) The following conduct is prohibited:
1. The unlawful manufacture, distribution, dispensation, possession, or use of an illegal drug by an employee on all municipal premises, in any municipally-owned or leased motor vehicle, or other location at which an employee is to perform work.
 2. No employee shall consume any illegal drug while on or off duty.
 3. No employee shall report for work or drive a Village vehicle or operate Village equipment while impaired by any drug, controlled substance, or with a blood alcohol content of .02% or greater.
 4. No employee shall consume any alcohol while on duty. On duty shall include on-call and stand-by status for Public Works employees.
- (F) Drug and alcohol testing: In accordance with federal law and the policy of the Village of Morton, all employees covered by this policy shall be subject to drug and alcohol testing. All drug and alcohol testing shall be done in accordance with applicable law and shall be done by a duly qualified testing company. Copies of the procedures shall be kept on file with the Administrator and shall be available for inspection by any employee.
- Employees shall be tested in the following circumstances:
1. Pre-employment: All employees shall be required to take and successfully pass urine drug tests and alcohol breath tests before commencing employment.
 2. Reasonable cause: Any employee must submit to a drug and/or alcohol test if the Village has reasonable suspicion to believe that the employee has violated the drug and/or alcohol misuse prohibitions. The determination must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee, and should be observed by a supervisor with appropriate training as required by law.
 3. Random testing: All employees shall be included as part of a random testing program to be administrated by such administrator as the Village may from time to time use. The random testing program shall meet all requirements of any federal or state law.
 4. Post-accident: As soon as practicable, but within two (2) hours of any accident involving an employee while on duty, the employee will be tested for drug or alcohol use. (Whether an accident has occurred shall be solely determined by the Village.) An employee shall refrain from using drugs or alcohol during the two (2) hour period after the accident until he or she has been tested.
 5. Return to duty: Any employee who has engaged in prohibited conduct and is eligible to return to work and has then become rehabilitated in accordance with the provisions of Sec. 12-3-15-H shall be tested prior to resumption of work.
 6. Follow-up testing: Any employee who has been identified by a substance abuse professional pursuant to any program he or she entered into under the provisions of this policy shall be subject to such follow up testing as recommended by the substance abuse professional.
- (G) The Administrator shall keep on file all forms that may be required by law pertaining to the administration of the program. Upon reasonable notice, any employee may obtain a copy of all applicable forms.

All employee records pertaining to any testing done shall be maintained in a secure location with controlled access. A copy of these records will be given to an employee upon written request of the employee. These records may also be released to the Secretary of Transportation, the National Transportation Safety Board, or any other legal authority that is authorized by law to obtain a copy of same.

(H) Employee Assistance Program (EAP): Employees may apply to the Administrator to enroll in a qualified drug or alcohol rehabilitation plan, subject to the following guidelines:

1. The Administrator shall determine if the plan is qualified.
2. Employees are not eligible for the program unless they have completed one (1) year of full-time employment.
3. Such rehabilitation program may be taken only once.
4. If an employee has consumed alcohol or taken any prohibited drugs while on duty, he shall not be eligible for any program.
5. If an employee does enroll in a program, he shall use all of his sick time, vacation time, and compensation time, in that order. Any additional time required by the program shall be taken in a non-pay status. The total amount of time an employee is absent from work for such program shall not exceed thirty (30) days.

(I) The following disciplinary policies shall be in effect:

1. All of the following violations shall subject an employee to termination:
 - (a) Using, selling, or dispensing illegal drugs on or off duty;
 - (b) Refusal to take any tests;
 - (c) Refusing to cooperate in the assessment of the need for an assistance program, or refusing to enroll or failing to successfully complete any required assistance program;
 - (d) Consumption of alcohol on duty.
2. If an employee reports to work with a blood alcohol content of 0.02% or greater, but less than 0.04%, the following applies:
 - (a) First offense: One (1) to two (2) calendar day suspension without pay.
 - (b) Second offense: At the option of the employee, one (1) to two (2) day suspension without pay and enrollment in EAP, or seven (7) calendar day suspension without pay.
 - (c) Third offense: Immediate removal from work and mandatory enrollment in EAP. Only upon successful completion of EAP shall employee be allowed to return to work.
3. If an employee reports to work with a blood alcohol content of 0.04% or more, then the employee shall enroll in the EAP and successfully complete it. The employee shall immediately be removed from work, and shall be allowed to return to work only upon successful completion of the EAP.
4. If an employee has already taken the EAP, then, if the employee subsequently violates any of the blood alcohol content rules, he or she shall be subject to termination of employment.

5. Notwithstanding the provisions of Sections 12-3-14-I-1, 2, and 3 above, if a violation causes personal injury to another party, the employee shall be subject to immediate termination.
6. In the event of any violation of any provision of this policy, the Administrator may require the employee to be assessed for enrollment in EAP, and if determined necessary, successfully complete the program in addition to any disciplinary action. The right of the Administrator herein shall apply notwithstanding the provisions of Section 12-3-14-I-2.

- (J) This policy may be amended from time to time at the discretion of the President and Board of Trustees of the Village of Morton. It shall also be deemed to automatically incorporate any provisions of federal or state law that might otherwise require more restrictive procedures. (Ord. 03-26, 10-20-03; amd. Ord. 03-37, 2-2-04)

12-3-15: **RESIDENCY OF EMPLOYEES:**

- (A) All regular, full-time employees of Public Works Department who are regularly scheduled to be "on-call" as a part of their job and all regular, full-time paramedics shall reside within ten (10) miles of Village Hall, located at 120 North Main Street, but within Tazewell County, except as otherwise provided for herein. For the purpose of this policy, the ten (10) mile limit shall include the corporate limits of the City of Pekin and the Village of Deer Creek.
- (B) Employees of the Gas Distribution Department and the Water Distribution Department shall reside within seven (7) miles of Village Hall, located at 120 North Main Street, but within Tazewell County.
- (C) While "on-call," employees of the Public Works Department, other than employees of the Gas Distribution Department and the Water Distribution Department, shall remain within ten (10) miles of Village Hall, located at 120 North Main Street, but within Tazewell County, or within the corporate limits of the City of Pekin or the Village of Deer Creek. While "on-call," employees of the Gas Distribution Department and the Water Distribution Department shall remain within seven (7) miles of Village Hall, located at 120 North Main Street, but within Tazewell County.
- (D) The following employees shall be required to reside within the corporate limits of the Village of Morton: Director of Fire and Emergency Services, Superintendent of Public Works, Superintendent of Streets, Superintendent of Gas Distribution Department, Superintendent of The Wastewater Treatment Department, Superintendent of The Water Distribution Department, Superintendent of The Water Treatment Department, and Zoning Enforcing Officer.
- (E) Residency requirements for employees covered under collective bargaining agreements shall be as provided for in those agreements.
- (F) Residency shall not be a requirement to be considered for employment or to be hired; however, new employees who are not in compliance with the provisions of this policy at the time of hire shall establish residency as provided for herein within one (1) calendar year of their date of hire. The Village President is hereby authorized to extend this time period due to personal hardship at his or her sole discretion. Such residency shall be maintained continuously during the term of employment.
- (G) Any employee who fails to establish or maintain residency as provided for herein shall have his or her employment with the Village terminated. (Ord. 07-07, 6-4-07; amd. Ord. 07-29, 9-4-07; amd. Ord. 11-31, 1-3-12)

12-3-16: **LEAVE WITHOUT PAY:**

- (A) A regular, full-time employee with at least one (1) calendar year of consecutive service who has a need to be absent from work for any reason, and who is not eligible for any other types of leave, may request leave without pay. Leave without pay shall not be granted unless all accrued and applicable paid leaves have been exhausted.
- (B) Requests for leave without pay for a period not to exceed eight (8) working hours shall be submitted to, and require the approval of, the employee's supervisor. Requests for leave without pay exceeding eight (8) working hours, but not exceeding forty (40) working hours, shall be submitted in writing to, and require the approval in writing of, the Village President.
- In requesting leave without pay, an employee shall indicate the reason for the leave, the date the leave is requested to begin, and the date the leave is requested to end. Leave without pay shall be granted for a specific time period with a fixed ending date.
- 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)

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(and the rest of the chapter)

6-2-10.2 (B) A "lottery" is any scheme...
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10-6-1 CHAPTER 6
BUSINESS DISTRICTS
(and the rest of the chapter)

PREFACE

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

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12-14, November 19, 2012
12-16, December 3, 2012
12-17, November 5, 2012
12-22, December 3, 2012

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.

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 | Thirteen (13) |
| Class B-3 | Three (3) |
| Class C | One (1) |
| Class D | Two (2) |
| Class E | Nine (9) |
| 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; amd. Ord. 11-33, 3-19-12; amd. Ord. 10-35, 4-2-12; amd. Ord. 12-05, 6-18-12; amd. Ord. 12-22, 12-3-12)

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) A “lottery” is any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme, or procedure is called a “lottery”, “raffle”, “gift”, “sale”, or some other name.
- (C) A “policy game” is any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token, or other device that any particular number character ticket or certificate shall, in the event of any contingency in the nature of a lottery, entitle the purchaser or holder to receive money, property, or evidence of debt.
(Ord. 96-40, 4-7-97)

6-2-10.3: **KEEPING A GAMBLING PLACE:** A “gambling place” is any real estate, vehicle, boat, or other property whatsoever used for the purposes of gambling. Any person who knowingly permits any premises or property owned or occupied by him or under his control to be used as a gambling place shall be guilty of the offense of gambling. When any premises is determined by the Circuit Court to be a gambling place:

- (A) Such premises is a public nuisance and may be proceeded against as such; and
- (B) All licenses, permits, or certificates issued by the State or any subdivision or public agency thereof authorizing the serving of food or liquor on such premises shall be void; and no license, permit, or certificate so cancelled shall be reissued for such premises for a period of sixty (60) days thereafter; nor shall any person convicted of keeping a gambling place be reissued such license for one year from his conviction; and, after a second conviction of keeping a gambling place, any such person shall not be reissued such license; and
- (C) Such premises of any person who knowingly permits thereon a violation of any section of this Chapter shall be held liable for, and may be sold to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any section of this Chapter.
(Ord. 96-40, 4-7-97)

6-2-10.4: **SEIZURE OF GAMBLING DEVICES AND GAMBLING FUNDS:**

- (A) Every gambling device which is incapable of lawful use is contraband and shall be subject to seizure, confiscation, and destruction by the Village. As used in this Section, a “gambling device which is incapable of lawful use” includes any slot machine, and includes any machine for or device constructed for the receipt of money or other thing of value and so constructed as to return on chance to the player thereof money, property, or a right to receive money or property.
- (B) Every gambling device shall be seized and forfeited as contraband to the county wherein such seizure occurs. Any money or other thing of value integrally related to acts of gambling shall be seized and forfeited as contraband to the county wherein such seizure occurs. (Ord. 96-40, 4-7-97)

6-2-10.5: **PROHIBITION:** It shall be unlawful to gamble or to attend any gambling resort, or to make any bet, lottery, or gambling hazard, to buy or sell any chances or tickets in any gambling game, arrangement, or device. (Ord. 96-40, 4-7-97)

6-2-11: **HARASSMENT BY TELEPHONE:** It shall be unlawful for any person to use a telephone or make use of a telephone communication for any of the following purposes:

- (A) To make any comment, request, or suggestion or proposal which is obscene, lewd, lascivious, filthy, or indecent with an attempt to offend; or
- (B) Make a telephone call, whether or not conversation ensues, with intent to abuse, threaten, or harass any person at the called number; or

- (C) Make or cause the telephone of another repeatedly to ring, with the intent to harass the person at the called number; or
- (D) Make repeated telephone calls, during which conversation ensues solely to harass any person at the called number; or
- (E) To knowingly permit any telephone under one's control to be used for any of the purposes mentioned in this Section. (Ord. 96-40, 4-7-97)

6-2-12: **HUNTING:** It shall be unlawful for any person to hunt any game animal or game birds within the Village. (Ord. 96-40, 4-7-97; amd. Ord. 00-25, 9-5-00)

6-2-13: **IMPERSONATING VILLAGE OFFICERS; FIRE PERSONNEL:**

- (A) No person shall falsely represent himself to be an officer of the Village of Morton, or shall, without being duly authorized by the Village of Morton, exercise or attempt to exercise any of the duties, functions, or powers of a Village of Morton officer.
- (B) No person, not a member of the Morton Fire Department, shall impersonate a firefighter or officer of the Morton Fire Department. (Ord. 96-40, 4-7-97)

6-2-14: **INJURY TO PROPERTY:** It shall be unlawful for any person to wilfully, maliciously, or negligently break, deface, injure, or destroy any property within the Village, whether such property is owned by the State, County, Village, or any other governmental body, or owned by any other private person.

Any person who violates the provisions of this Section shall be subject to arrest, and, upon conviction, shall be subject to a fine not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00), except that where said person has been convicted of this offense at any prior time, there shall be added to said minimum fine the amount of one hundred dollars (\$100.00) for each such prior conviction. (Ord. 96-40, 4-7-97; amd. Ord. 99-37, 12-6-99)

6-2-15: **INTERFERENCE WITH FIREFIGHTER; DESTRUCTION OF FIRE APPARATUS PROHIBITED:** No person shall wilfully hinder or resist any Village officer or firefighter in the performance of his duty at, going to, or returning from any fire, or while attending to any of their respective duties connected with the Fire Department; or wilfully or negligently, in any manner, cut, deface, destroy, or injure any fire apparatus or any apparatus of the fire alarm system. Such person shall be liable for all damages done to any such property in addition to other penalties provided. (Ord. 96-40, 4-7-97)

6-2-16: **MISSILES:** It shall be unlawful to cast, throw, or propel any missile on any street, alley, or public place; and it shall be unlawful to throw or deposit any glass, nails, tacks, or other similar articles on any street, sidewalk, or alley within the Village. (Ord. 96-40, 4-7-97)

6-2-17: **NOISES:**

(A) General Prohibitions

1. No person shall make, continue, or cause to be made or continued:

- (a) any unreasonably loud, disturbing and unnecessary noise within the corporate limits;
- (b) any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity; and

- (c) any noise which is so harsh, prolonged, unnatural, or unusual in time or place: i) as to occasion unreasonable discomfort to any persons within the neighborhood from which said noise emanates; ii) as to unreasonably interfere with the peace and comfort of neighbors or their guests or operators or customers in places of business; or iii) as to detrimentally or adversely impact such residences or places of business.
2. Factors for determining whether a sound is unreasonably loud, disturbing and unnecessary include, but are not limited to, the following:
 - (a) The proximity of the sound to residences;
 - (b) The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
 - (c) The time of day or night the sound occurs;
 - (d) The duration of the sound; and
 - (e) Whether the sound is recurrent, intermittent, or constant.
- (B) Noise - Exemptions: The following uses and activities shall be exempt from the provisions contained in subsections 1 and 2:
1. Heating and cooling equipment and utility service equipment when it is functioning in accordance with manufacturer's specifications and is in proper operating condition.
 2. Building/home/property/landscape maintenance equipment (including lawn mowers) when it is functioning (between the hours of 8:00 a.m. and 9:00 p.m.) in accordance with the manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition. In special or extraordinary circumstances, the Superintendent of Public Works may authorize construction activity before 8:00 a.m. or after 9:00 p.m. for public works projects under the direction of the Village.
 3. Motor vehicles on streets and roadways of the Village, subject to the provisions of the Illinois Vehicle Code.
 4. Noises of safety signals, warning devices and emergency pressure relief valves.
 5. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
 6. Noises resulting from emergency work repairs of telecommunications and/or utility structures to prevent or alleviate physical trauma or property damage threatened or caused by an emergency which has or may result in a disruption of service and which is necessary to protect the health, safety and welfare of persons or property.
 7. Noises from the normal operation of railroad trains.
 8. Activities sanctioned or authorized by the Village of Morton, Morton Park District, or Morton School District 709 in which the location of such activities are conducted in accordance with the manners and customs in which such spaces are generally used. This would include, but not be limited to, outdoor or indoor gatherings, public dances, shows, and sporting events, and other similar events of public assembly.
 9. Church bells provided they are periodic and not constant and only sounded between the hours of 8:00 a.m. and 9:00 p.m. (Ord. 96-40, 4-7-97; amd. Ord. 12-16, 12-3-12)

6-2-18: **OBSCENITY:**

- (A) **Declared Unlawful:** It shall be unlawful to commit obscenity. For purposes of this Section “person” means an individual, public or private corporation, government, partnership, or unincorporated association. Any reference to the masculine shall include the feminine, and any reference to the singular shall include the plural.
- (B) **Elements Of The Offense:** A person commits obscenity when, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:
1. Sells, delivers, or provides, or offers or agrees to sell, deliver, or provide any obscene writing, picture, record, or other representation or embodiment of the obscene; or
 2. Presents or directs an obscene play, dance, or other performance or participates directly in that portion thereof which makes it obscene; or
 3. Publishes, exhibits, or otherwise makes available anything obscene; or
 4. Performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or
 5. Creates, buys, procures, or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or
 6. Advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.
- (C) **“Obscene” Defined:** A thing is obscene if, considered as a whole, its predominant appeal is to prurient interest, that is, a shameful or morbid interest in nudity, sex, or excretion, and if it goes substantially beyond customary limits of candor in description or representation of such matters. A thing is obscene even though the obscenity is latent, as in the case of undeveloped photographs.
- (D) **Interpretation Of Evidence:** Obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is utterly without redeeming social importance.

In any prosecution for an offense under this Section, evidence shall be admissible to show:

1. The character of the audience for which the material was designed or to which it was directed;
2. What the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
3. The artistic, literary, scientific, educational, or other merits of the material, or absence thereof;
4. The degree, if any, of public acceptance of the material in this State;

5. Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;
 6. Purpose of the author, creator, publisher, or disseminator.
- (E) Prima Facie Evidence: The creation, purchase, procurement, or possession of a mold, engraved plate, or other embodiment of obscenity specially adapted for reproducing multiple copies, or the possession of more than six (6) copies of obscene material shall be prima facie evidence of an intent to disseminate.
- (F) Affirmative Defenses: It shall be an affirmative defense to obscenity that the dissemination:
1. Was not for gain and was made to personal associates other than children under eighteen (18) years of age;
 2. Was to institutions or individuals having scientific or other special justification for possession of such material.
- (G) Severability Clause: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Section, 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 Section or any part thereof. It is hereby declared to be the legislative intent of the Board of Trustees that this Section would have been adopted had such unconstitutional or invalid provisions, clause, sentence, paragraph, section, or part thereof not then been included.
- (H) Violation And Penalty: Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor. A person who is convicted shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than seven hundred fifty dollars (\$750.00) or by imprisonment for a period not to exceed six (6) months or by both such fine and imprisonment. (Ord. 96-40, 4-7-97; amd. Ord. 99-37, 12-6-99)
- 6-2-19: **OBSTRUCTING PASSAGEWAYS:** It shall be unlawful to obstruct or permit the obstruction of any stairway, aisle, corridor, or exit in any office building, factory, hotel, school, church, theater, assembly hall, lodge, or other public hall, or any building used by two (2) or more tenants or families, in such a manner as to interfere with the free use of such stairway, aisle, corridor, or exit. (Ord. 96-40, 4-7-97)
- 6-2-20: **POSTING BILLS:** It shall be unlawful to post any bills or advertisements on any public or private property without the written consent of the owner thereof. (Ord. 96-40, 4-7-97)
- 6-2-21: **PROSTITUTION; DEFINITION:** Any person who performs, offers, or agrees to perform any act of sexual penetration for money, or any touching or fondling of the sex organs of one person by another person, for money or anything of value, for the purpose of sexual arousal or gratification commits an act of prostitution. (Ord. 96-40, 4-7-97)
- 6-2-21.1: **SOLICITING FOR A PROSTITUTE:** It shall be unlawful for any person to perform, offer, or agree to perform any of the following:
- (A) Solicit another for the purpose of prostitution;
 - (B) Arrange or offer to arrange a meeting of persons for the purpose of prostitution; or
 - (C) Direct another to a place knowing such direction is for the purpose of prostitution. (Ord. 96-40, 4-7-97)

6-2-21.2: KEEPING A PLACE OF PROSTITUTION:

- (A) Any person who has or exercises control over the use of any place which could offer seclusion or shelter for the practice of prostitution who performs any of the following acts keeps a place of prostitution:
1. Knowingly grants or permits the use of such place for the purpose of prostitution; or
 2. Grants or permits the use of such place under circumstances from which he could reasonably know that the place is used or is to be used for purposes of prostitution; or
 3. Permits the continued use of a place after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of prostitution.
- (B) It shall be unlawful for any person to keep a place of prostitution. (Ord. 96-40, 4-7-97)

6-2-21.3: PATRONIZING A PROSTITUTE: It shall be unlawful for any person to perform any of the following acts with a person not his or her spouse:

- (A) Engage in an act of sexual penetration with a prostitute; or
- (B) Enter or remain in a place of prostitution with intent to engage in an act of sexual penetration. (Ord. 96-40, 4-7-97)

6-2-21.4: DEFINITION OF SEXUAL PENETRATION: For purposes of Sections 6-2-21, 6-2-21.1, 6-2-21.2, and 6-2-21.3 of this Chapter, the term "sexual penetration" means any contact, however slight, between the sex organ of one person and the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration. (Ord. 96-40, 4-7-97)

6-2-22: PUBLIC INDECENCY:

- (A) Any person of the age of seventeen (17) years and upwards who performs any of the following acts in a public place commits a public indecency:
1. An act of sexual penetration or sexual conduct.
 2. A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person.
- (B) For purposes of this Section, "sexual penetration" shall be as defined in Section 6-2-21.4 of this Chapter.
- (C) For purposes of this Chapter, "sexual conduct" means any intentional or knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus, or breast of the victim or the accused, or any part of the body of a child under thirteen (13) years of age, for the purpose of sexual gratification or arousal of the victim or the accused.
- (D) "Public place" for purposes of this Section means any place where the conduct may reasonably be expected to be viewed by others. (Ord. 96-40, 4-7-97)

6-2-23: **RESISTING OR OBSTRUCTING A PEACE OFFICER:** It shall be unlawful for a person to knowingly resist or obstruct the performance by one known to the person to be a peace officer of any authorized act within his official capacity.

A person shall be fined, upon conviction of this offense, an amount not less than three hundred dollars (\$300.00) nor more than seven hundred fifty dollars (\$750.00). (Ord. 96-40, 4-7-97; amd Ord. 99-37, 12-6-99)

6-2-24: **SNOW OR ICE ON STREETS:** No person, firm, corporation, or institution, public or private, shall plow or remove or cause to be plowed or removed ice or snow from any shopping center, parking lot, commercial or institutional service area or driveway or any other public or private service area or driveway and deposit such ice or snow upon a public street or along the shoulder or edge of a public street. Such prohibition shall not pertain to a residential driveway or sidewalk. (Ord. 98-32, 12-21-98)

6-2-25: **TRESPASS:** It shall be unlawful for any person, firm, or corporation to commit a trespass within this Municipality upon either public or private property. (Ord. 96-40, 4-7-97)

6-2-25.1: **SPECIFICALLY ENUMERATED TRESPASSES SUPPRESSION:** Without constituting any limitations upon the provisions of Section 6-2-25 of this Chapter, any of the following acts by any person, firm, or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of said Section 6-2-25, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Chapter, the aforesaid enumerated acts so included, being as follows:

- (A) An entry upon the premises, or any part thereof, of another including any public property in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry or in violation of any notice, warning, or protest given orally or in writing, by any owner or occupant thereof; or
- (B) The pursuit of a course of conduct, or action incidental to the making of an entry, upon the land of another in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry, or in violation of any notice, warning, or protest given orally or in writing by any owner or occupant thereof; or
- (C) A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing, to leave by any owner or occupant thereof; or
- (D) An entry into or upon any vehicle, aircraft, or watercraft made without the consent of the person having the right to the possession or control thereof, or a failure or refusal to leave any such vehicle, aircraft, or watercraft after being requested to leave by the person having such right. (Ord. 96-40, 4-7-97; amd. Ord. 98-32, 12-21-98)

6-2-26: **UNLAWFUL ASSEMBLAGES:** It shall be unlawful to collect, gather, or be a member of any disorderly crowd, or any crowd gathered together for any unlawful purpose. (Ord. 96-40, 4-7-97; amd. Ord. 98-32, 12-21-98)

6-2-27: **URINATING:** It shall be unlawful to urinate on any public street or upon any public sidewalk, or in any other public place, or in any store, assembly hall, corridor, or other place open to and used by the public. (Ord. 96-40, 4-7-97; amd. Ord. 98-32, 12-21-98)

6-2-28: **UNLAWFUL USE OF WEAPONS:** The provisions of 720 Illinois Compiled Statutes 5/24-1, except the penalty provision, and including all future amendments thereto, are hereby adopted by reference as the provisions of this Title 6, Chapter 2, Section 28. The penalty for violation of this Section upon conviction shall be a fine of not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00). (Ord. 96-40, 4-7-97; amd. Ord. 98-32, 12-21-98; amd. Ord. 99-37, 12-6-99)

6-2-29: **SYNTHETIC ALTERNATIVE DRUGS:**

- (A) Definitions: For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires different meaning:
1. A *product containing a synthetic alternative drug* means any product containing a synthetic cannabinoid, stimulant, or synthetic stimulants and synthetic psychedelic/hallucinogens, as those terms are defined herein such as, but not limited to, the examples of brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.
 2. *Synthetic cannabinoid* means any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixtures, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor against, such as, but not limited to, the examples or brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.
 3. *Synthetic stimulant* means any compound that mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quantity of a natural or synthetic material, compound, mixtures, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing substances which have a stimulant effect on the central nervous system, such as, but not limited to, the examples of brand names of identifiers listed in Exhibit "A" attached hereto and incorporated herein.
 4. *Synthetic psychedelic/hallucinogen* means any compound that mimics the effects of any federally controlled Schedule I substance, including, but not limited to, any quantity of a natural or synthetic material, compound, mixtures, preparation, substance and their analog (including isomers, esters, ethers, salts and salts of isomers) containing substances which have a psychedelic/hallucinogen effect on the natural nervous system and/or brains, such as, but not limited to, the examples of brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.
- (B) Sale or Delivery: It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.
- (C) Possession: It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.
- (D) Use: It shall be unlawful for any person to be under the influence of a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.
- (E) Penalties:
1. Any person found to be in violation of Section 6-2-29 shall be subject to a fine of not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00) for each violation thereof.
 2. Each violation of this ordinance, or everyday a violation continues to exist, shall constitute a new or separate violation.
(Ord. 11-32, 3-5-12)

6-2-29 EXHIBIT A

| | | |
|-----------------------------------|------------------------------|-----------------------------|
| POW | K Royal | New K3 Sea Improved |
| Spice Gold | Spicylicious | New-Kron Bomb |
| Swagger Grape | Shanti Spice | Cherry Bomb |
| Spice Gold | K3 Grape | Rebel Spice |
| Pulse | K3 Strawberry | Mega Bomb |
| Black Mamba | K3 Blueberry | Mr. Smiley's |
| Naughty Nights | Earthquake | Summer Skyy |
| K2 Watermelon | Ocean Blue | Moe Joe Fire |
| Green Monkey Chronic Salvia | G Four | Fully Loaded |
| Voodoo Remix | Wood Stock | Da Block |
| G Greenies Caramel Crunch | K3 Legal | Back Draft |
| Black Diamond | Who Dat | K1 Orbit |
| Blueberry Hayze | Dark Night II | K1 Gravity |
| Eruption Spice | Spike 99 Ultra | C3 |
| Love Strawberry | 2010 | SYN Incense Smooth |
| Voodoo Child | Zombie World | SYN Incense Spearmint |
| Mid-Atlantic Exemplar | SYN Swagg | SYN Incense LemonLime |
| K2 Summit | SYN Smooth | Super Summit |
| Magic Dragon Platinum | SYN Spearmint | D-Rail |
| Fire Bird Ultimate Strength | SYN Spearmint #2 | K2 Peach |
| Cinnamon | SYN Chill | Funky Monkey |
| Nitro | SYN Suave | K2 Summit Coffee Wonk |
| Black Magic Salvia | Heavenscent Suave | K3 Legal - Original (Black) |
| K2 Strawberry | SYN Vanilla | K3 Legal - Sun (Black) |
| K2 Blueberry | SYN Vanilla #2 | K3 Legal - Sea (silver) |
| Wicked X | SYN Lemon Lime | K3 Legal - Earth (silver) |
| Shanti Spice Bluberry | SYN Lemon Lime #2 | K2 Cloud 9 |
| Aztec Midnight Wind Tezcatlipoca | New K3 Improved | Greenies Strawberry |
| Sativah | C4 Herbal Incense | K2 Blonde |
| Mid-Atlantic Exemplar (K2 Summit) | New Improved K3 Cosmic Blend | K2 Standard |
| Aztec Gold | New Improved K3 Dynamite | K2 Citron |
| Ultra Cloud 10 | New Improved K3 Kryptonite | K2 (unknown variety) |
| Colorado Chronic | Utopia | K2 Summit |
| K3 Kryptonite | Utopia-Blue Berry | Space |
| Funky Monkey XXXX | Euphoria | K2 Blue |
| K2 Blue | Who Dat Herbal Incense | K2 Pink |
| K2 Blonde | Love Potion 69 | K2 Latte |
| K2 Pink | Legal Eagle | K2 Mint |
| K2 Citron | K2 Standard | K2 Silver |
| K2 Mellon | Super Kush | K2 Peach |
| K2 Pineapple | Bayou Blaster | Spike Gold |
| K2 Standard | Paradise | Spike Maxx |
| K2 Summit | Red Bird | Spike Diamond |
| S1. S Werve | Magic Spice | Spike Silver |
| Chronic Spice | Voodoo Magic | K2 Strawberry |
| K3 Mango | Texas Gold | K2 Pineapple Express |
| K3 Original | Demon | K2 Blueberry |
| XTREME Spice | K3 | K2 Pink |
| Stinger | K2 Pink Panties | K2 Blonde |
| Pulse | Heaven Improved | K2 Summit |
| Mystery | K3 Sun | K2 Citron |
| Bad 2 the Bone | K3 Dusk | K2 Ultra |
| Dragon Spice | K3 Original Improved | K2 Blue |
| Samurai Spirit | K2 Summit | MNGB Tropical Thunder |
| Buzz | New K3 Heaven | MNGB Pinata Colada |
| Midnight Chill | New K3 Earth | MNGB Almond/Vanilla |

| | |
|----------------------------------|------------------------------------|
| MNGB Peppermint | Skunk |
| MNGB Spear Mint | Sence |
| p.e.p. pourri Twisted Vanilla | EX-SES Platinum Blueberry |
| p.e.p. pourri Original Spearmint | EX-SES Platinum Cherry |
| p.e.p. pourri Love Strawberry | EX-SES Platinum Strawberry |
| p.e.p. pourri X Blueberry | EX-SES Platinum Vanilla |
| K2 Summit | Magic Silver |
| Voo Doo Remix (orange package) | Apice Artic Synergy |
| Voo Doo Remix (black package) | Spice Diamond |
| Banana Cream Nuke | Spice Gold |
| K4 Silver | Spice Tropical Synergy |
| K4 Gold | Spicey Regular XXX Blueberry |
| K3 Heaven Improved | Spicey Regular XXX Strawberry |
| K3 Heaven Legal | Spicey Ultra Strong XXX Vanilla |
| K3 Sun Legal | Spicey Ultra Strong XXX Strawberry |
| K3 Sun Improved | Spike 99 Ultra Blueberry |
| K3 Kryptonite | Spike 99 Ultra Cherry |
| K3 XXX | Spike 99 Ultra Strawberry |
| K3 Cosmic Blend | Spicey Ultra Strong XXX Vanilla |
| K3 Original | EX-SES Platinum Strawberry |
| C4 | Spice Gold |
| K1 Gravity | Chill Out |
| K1 Orbit | Smoke |
| K2 Pina Colada | Forest Humus |
| Rasta Citrus Spice | Scope Vanilla |
| Kind Spice | Scope Wildberry |
| Time Warp | Chill X |
| Pink Tiger | Space |
| Humboldt Gold | Silent Black |
| K2 Orisha Regular | Sence |
| K2 Orisha Max | Smoke |
| K2 Orisha Super | Caneff |
| K2 Amazonian Shelter | Spice Gold |
| K2 Solid Sex on the Mountain | Gold Spirit Spice |
| Midnight Chill | Yucatan Fire |
| Unknown cigarette | Magic Gold |
| Freedom | Spice Diamond |
| K2 Sex | Bombay Blue |
| K2 Orisha White Magic Super | Dream |
| K2 Orisha Black Magic Max | Smoke Plus |
| K2 Thai Dream | Spice Tropical Synergy |
| K4 Bubble Bubble | Magic Silver |
| MTN-787 | Diamond Spirit |
| K2 Kryptonite | Mojo |
| Legal Eagle Apple Pie | Genie |
| K4 Purple Haze | Spike 99 |
| K4 Summit Remix | Potpourri Gold |
| 8-Ball | Jamaican Gold |
| C4 | Potpourri |
| K2 | Winter Boost |
| Tribal Warrior | Citrus |
| Spike99 | Spice Gold |
| exSES | Spicey XXX |
| Spice Silver | Spike 99 |
| Spice Gold | EX-SES Platinum |
| Spice Diamond | |
| Yucatan Fire | |
| Smoke | |

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 Maywood Street to East Queenwood Road.
(amd. Ord. 12-17, 11-5-12)
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> |
|-----|---------------------|--|--|
| (G) | Bauman Ave. | West side West side | From W. Jackson to St. Paul. From W. Pershing to Wagler. |
| (H) | E. Birchwood St. | North side | From S. Main to S. First. |
| (I) | W. Birchwood St. | Both sides | |
| (J) | W. Bond St. | Both sides Both sides South side | From W. Jackson to 80' east of W. Jackson. From N. Morton Ave. to 150' west of N. Morton Ave. From McArthur to 148' west of McArthur. |
| (K) | Bradley St. | North side South side | From N. Main to W. Jefferson, except from 80' to 125' west of Main St. From N. Main to 150' west of N. Main. |
| (L) | Clark St. | Both sides | From N. Morton Ave. to 265' west of N. Morton Ave. |
| (M) | Commerce Dr. | Both sides | |
| (N) | E. Courtland St. | Both sides | |
| (O) | W. Courtland St. | Both sides | |
| (P) | Detroit Ave. | East side North side West side | From W. Jackson to 400' south of W. Birchwood. From S. Main to 130' west of S. Main. From W. Jackson to S. Main. |
| (Q) | Detroit Pkwy. | Both sides | |
| (R) | W. Edgewood Ct. | North side | From Detroit to 125' west of Detroit, and from 290' west of Detroit to 370' west of Detroit. |
| (S) | Erie Ave. | Both sides | From W. Birchwood to north end. |
| (T) | Erie Ct. | Both sides | |
| (U) | E. Fernwood St. | Both sides | From 250' south of Brentwood Rd. to 500' southwest of Brentwood Rd. |
| (V) | N. First Ave. | West side | From E. Jefferson to E. Madison. |
| (W) | S. First Ave. | Both sides East side West side West side West side | From E. Washington to 115' south of E. Washington. From E. Adams to 45' south of E. Adams. From E. Adams to 48' north of E. Adams. From E. Washington to 100' north of E. Washington. From 80' south of E. Birchwood to 300' north of E. Wick. |
| (X) | E. Forestwood St. | North side South side | From S. Fourth to 80' east of S. Fourth. From S. Fourth to 50' east of S. Fourth. |
| (Y) | N. Fourth Ave. | West side | From E. Jefferson to E. Monroe. |

| | <u>Thoroughfare</u> | <u>Side</u> | <u>Extent</u> |
|------|---------------------|---|--|
| (Z) | S. Fourth Ave. | Both sides Both sides Both sides East side | From E. Hazelwood to 500' south of E. Queenwood Rd. From E. Jefferson to E. Washington. From 150' north of E. Greenwood to 150' south of E. Greenwood, between 8:00 A.M. and 4:00 P.M. on school days. From E. Washington to E. Birchwood. |
| (AA) | E. Greenwood St. | North side North side North side South side South side | From 90' east of S. First to 310' east of S. First. From 270' west of Lee to 525' west of Lee, between 8:00 A.M. and 4:00 P.M. on school days. From 110' west of S. Fourth to 290' east of S. Fourth, between 8:00 A.M. 8:00 A.M. and 4:00 P.M. on school days. From 110' west of S. Fourth to 380' east of S. Fourth, between 8:00 A.M. and 4:00 P.M. on school days. From 730' east of S. Fourth to 1165' east of S. Fourth. |
| (BB) | Highland St. | Both sides | |
| (CC) | E. Idlewood St. | Both sides | From 610' west of Parkside to 765' west of Parkside. |
| (DD) | N. Illinois Ave. | Both sides East side East side East side East side West side | From E. Jackson to Harrison, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the Morton Police Department (MPD) to residents whose homes front on the prohibited area and their guests. From Rassi to 180' north of E. Monroe, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests. From 180' north of E. Monroe to 325' north of E. Monroe. From E. Jackson to 125' south of E. Jackson. From 125' south of E. Jackson to 325' north of E. Monroe, between 7:30 A.M. and 4:00 P.M. on school days, except for: (1) Vehicles displaying a valid handicapped parking permit or handicapped license plate. (2) Vehicles displaying a parking permit issued by Morton High School. (3) Vehicles parked in a designated visitor's parking space (a visitor is a person who has been properly registered and designated as such by the Morton High School Office). From Rassi to E. Jackson, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests. |
| (EE) | S. Illinois Ave. | Both sides | From 160' north of Sunset Rd. to Brentwood Rd. |
| (FF) | N. Indiana Ave. | Both sides Both sides | From Rassi to Kay, between 8:00 A.M. and 4:00 P.M. on school days, except 45' south of Kay on the east side of N. Indiana, where no parking is permitted at any time, and except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests. From E. Jackson to Harrison, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests. |

| | <u>Thoroughfare</u> | <u>Side</u> | <u>Extent</u> |
|-------|---------------------|--------------------------|---|
| (DDD) | Rassi St. | North side | From N. Illinois to N. Indiana, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests. |
| (EEE) | St. Paul St. | Both sides | |
| (FFF) | N. Second Ave. | East Side West side | From E. Jackson to Harrison, between 8:00 A.M. and 4:00 P.M. on school days. From E. Madison to E. Jackson. |
| (GGG) | Tennessee Ave. | Both sides | |
| (HHH) | N. Third Ave. | Both sides Both sides | From N. Main to E. Polk. From Behrends Ct. to E. Jackson, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests, or for vehicles in a funeral procession. |
| | | East side West side | From E. Jackson to 120' north of E. Jackson. From E. Jackson to Harrison. |
| (III) | Veteran's Rd. | Both sides | From W. Jefferson to the northern corporate limits line. |
| (JJJ) | Walton Ave. | Both sides | |
| (KKK) | E. Washington St. | Both sides North side | From S. Main to S. First. From S. First to S. Fourth. |
| (LLL) | W. Washington St. | North side | From S. Main to S. Plum. |
| (MMM) | Yordy Rd. | Both sides South side | From S. Main to 175' east of S. Main. From 35' east of Tuscany Ct. to 185' east of Tuscany Ct. |

(Ord. 98-18, 9-8-98; amd. Ord. 98-28, 12-21-98; amd. Ord. 99-2, 5-17-99; amd. Ord. 99-16, 9-7-99; amd. Ord. 99-23, 9-20-99; amd. Ord. 99-30, 10-18-99; amd. Ord. 99-47, 3-6-00; amd. Ord. 00-13, 7-6-00; amd. Ord. 00-24, 8-21-00; amd. Ord. 02-37, 4-7-03; amd. Ord. 03-03, 7-7-03; amd. Ord. 03-12, 8-18-03; 03-15, 8-18-03; amd. Ord. 03-41, 7-19-04; amd. Ord. 04-17, 7-6-04; amd. Ord. 4-22, 7-19-04; amd. Ord. 04-25, 8-2-04; amd. Ord. 04-38, 11-15-04; amd. Ord. 05-09, 7-18-05; amd. Ord. 05-16, 9-6-05; amd. Ord. 07-24, 8-6-07; amd. Ord. 07-44, 11-19-07; amd. Ord. 07-49, 12-17-07; amd. Ord. 09-02, 5-4-09; amd. Ord. 09-16, 7-20-09; amd. Ord. 09-17, 7-20-09; amd. Ord. 09-42, 3-15-10; amd. Ord. 10-04, 5-17-10; amd. Ord. 10-06, 6-7-10; amd. Ord. 10-08, 6-21-10, amd. Ord. 11-14, 7-18-11; amd. Ord. 12-17, 11-5-12)

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

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

| | <u>Thoroughfare</u> | <u>Side</u> | <u>Extent</u> |
|----|---------------------|--------------------------|---|
| 1. | Adams St. | Both sides South side | From S. Plum to S. First. From S. Plum to 80' west of S. Plum. |

| <u>Thoroughfare</u> | <u>Side</u> | <u>Extent</u> |
|---------------------|-------------|--|
| 2. Alexander St. | North side | From 250' west of N. Morton Ave. to McArthur, between 6:00 A.M. and 6:00 P.M., Monday through Friday. |
| 3. Bond St. | Both sides | From 150' west of N. Morton Ave. to McArthur, between 6:00 A.M. and 6:00 P.M., Monday through Friday. |
| 4. Clark St. | Both sides | From 50' west at N. Morton Ave. to McArthur, between 6:00 A.M. and 6:00 P.M., Monday through Friday. |
| 5. Jefferson St. | Both sides | From S. Plum to S. First. |
| 6. Main St. | Both sides | From Madison to W. Washington, except where no parking is allowed or where parking is limited to 15 minutes. |
| 7. McArthur Ave. | Both sides | From Alexander to Clark. |

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

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

(Ord. 89-21, 4-2-90; Ord. 90-17, 9-4-90; amd. Ord. 92-20, 10-5-92; Ord. 93-28, 3-7-94; amd. Ord. 03-03, 7-7-03; amd. Ord. 04-18, 7-6-04; amd. Ord. 10-06, 6-7-10)

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

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

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

(E) Building Height: No building hereafter erected or portion of a building structurally enlarged shall exceed the following height limitations except for those general exceptions to height limitations listed in Section 10-4-3 of this Title.

1. Churches: forty five feet (45') for the main structure.
2. All other permitted buildings: thirty five feet (35') or two and one-half (2 1/2) stories.

10-5-3: **R-1 ONE-FAMILY AND PLANNED RESIDENTIAL DEVELOPMENT DISTRICT:**

(A) Permitted Uses:

1. Single-family dwellings.
2. Agricultural uses consisting only of growing crops, truck gardening, and flower gardening.
3. Temporary construction buildings and uses at the construction site and only during the construction period.
4. Accessory buildings and uses.
5. One (1) unoccupied camper, camping bus, motor home, camping trailer, boat, boat trailer, house trailer, or similar vehicle may be parked in the side yard or rear yard of a lot if it does not project beyond the front of the residence or garage. (Ord. 73-31, 2-5-79; amd. Ord. 84-1, 5-21-84; Ord. 84-3, 6-18-84)
6. Community residence. (Ord. 89-19, 2-5-90)

(B) Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title. (Ord. 73-31, 3-5-79; amd. Ord. 84-1, 5-21-84; amd. Ord. 84-3, 6-18-84)

1. Any use permitted as a special use in the R-S and Planned Residential Development District, except outdoor recreation facilities and borrow pits. (Ord. 86-21, 4-20-87; amd. Ord. 07-09, 6-4-07)
2. Hospitals, sanitariums, rest homes, and retirement centers. (Ord. 78-31, 3-5-79; amd. Ord. 84-1, 5-21-84; amd. Ord. 84-3, 6-18-84; amd. Ord. 84-25, 4-15-85; amd. Ord. 08-19, 10-6-08)
3. Publicly owned parks.
4. Private recreation areas. (Ord. 78-31, 3-5-79; amd. Ord. 84-1, 5-21-84; amd. Ord. 84-3, 6-18-84)

- (C) Required Lot Area And Width: Every building hereafter erected or structurally enlarged shall be on a lot having an area of not less than seven thousand five hundred (7,500) square feet for interior lots and nine thousand five hundred (9,500) square feet for corner lots, and a width of the building line of not less than seventy five feet (75') for interior lots and not less than ninety five feet (95') for corner lots. Lots zoned R-1A shall have an area of not less than eight thousand (8,000) square feet and a width of not less than sixty five feet (65') at the building line. This requirement shall not apply to planned residential developments which shall meet the requirements of Section 10-5-8 of this Title or for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title. 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; amd. Ord. 12-14, 11-19-12)
- (D) Required Yard Areas: Every building hereafter erected or structurally enlarged shall provide or maintain the following 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 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 no less than, the building immediately adjacent to either side of the proposed building.
 2. Side Yard: No building shall be erected or enlarged without providing or maintaining combined side yards of twenty feet (20') or twenty percent (20%) of the lot width as measured at the building line, whichever is less; no single side yard shall be less than seven feet (7').
 3. Rear Yard: No building shall be erected or enlarged without providing or maintaining a rear yard of twenty five feet (25').
 4. R-1A 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').
 5. R-1A Side Yard: No building shall be erected or enlarged without providing or maintaining combined side yards of twelve feet (12'); no single side yard shall be less than six feet (6').
 6. R-1A Rear Yard: No building shall be erected or enlarged without providing or maintaining a rear yard of twenty five feet (25').
 7. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
 - (a) Front Yard Fences:
 - (1) Front Yard Fences on Interior Residential Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted within the front yard. Enclosure fences are not permitted in front yards of interior lots.

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

(b) Side and Rear Yard Fences: Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards.
(amd. Ord. 08-30, 12-1-08; amd. Ord. 12-14, 11-19-12)

(E) Building Height: No building hereafter erected or portion of a building structurally enlarged shall exceed the following height limitations, except for those general exceptions to height limitations listed in Section 10-4-3 of this Title:

1. Churches: forty five feet (45') for the main structure.
2. All other permitted buildings: thirty five feet (35') or two and one-half (2 1/2) stories.
(Ord. 78-31, 3-5-79)

10-5-4: **R-2 TWO-FAMILY AND PLANNED RESIDENTIAL DEVELOPMENT DISTRICT:**

(A) Permitted Uses:

1. Any use indicated as a "permitted use" in the R-1 One-Family and Planned Residential Development District.
2. Two (2)-family dwellings.
3. Accessory buildings and uses. (Ord. 78-31, 3-5-79)
4. Community residence. (Ord. 89-19, 2-5-90)

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

1. Any use permitted as a special use in the R-1 One-Family and Planned Residential Development District. (Ord. 78-31, 3-5-79)
2. Community activity center. (Ord. 94-13, 8-1-94)
3. Two (2) duplexes on one (1) lot. (Ord. 99-34, 11-1-99)

(C) Required Lot Area And Lot Width: Every building hereafter erected or structurally enlarged shall be on a lot of the following minimum area and width:

1. Interior lot one (1)-family dwellings hereafter erected or structurally enlarged shall be on a lot of not less than seven thousand five hundred (7,500) square feet and not less than seventy five feet (75') width as measured at the building line. Corner lot one (1) -family dwellings shall be on a lot of not less than nine thousand five hundred (9,500) square feet and not less than ninety five feet (95') width as measured at the building line.
2. Interior lot two (2)-family dwellings hereafter erected or structurally enlarged shall be on a lot of not less than ten thousand (10,000) square feet and not less than one hundred feet (100') width as measured at the building line. Corner lot two (2)-family dwellings shall be on a lot of not less than twelve thousand (12,000) square feet and a minimum width at the building line of one hundred twenty feet (120').

3. The above requirements for lot area shall not apply to planned residential developments which shall meet the requirements of Section 10-5-8 of this Chapter or for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title.
4. For lots where a special use for two (2)- family dwellings has been granted, an interior lot must be twenty thousand (20,000) square feet with not less than one hundred feet (100') width as measured at the building line and a corner lot shall be not less than twenty four thousand (24,000) square feet with a minimum width of one hundred twenty feet (120') as measured at the building line. On either type of lot, duplexes must be at least fourteen feet (14') apart. (Ord. 99-34, 11-1-99)
5. 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 Areas: Every building hereafter erected or structurally enlarged shall provide or maintain the following 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 no less than, the building immediately adjacent to either side of the proposed building.
2. Side Yard: No building shall be erected or enlarged without providing or maintaining combined side yards of twenty feet (20') or twenty percent (20%) of the lot width as measured at the building line, whichever is less; no single side yard shall be less than seven feet (7').
3. Rear Yard: No building shall be erected or enlarged without providing or maintaining a rear yard of twenty five feet (25').
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.

(a) Front Yard Fences:

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

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

- (E) Building Height: No building hereafter erected or portion of a building structurally enlarged shall exceed the following height limitations, except for these general exceptions to height limitations listed in Section 10-4-3 of this Title:
1. Churches: forty five feet (45') for the main structure.
 2. All other permitted buildings: thirty five feet (35') or two and one-half (2 1/2) stories. (Ord. 78-31, 3-5-79)
- (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').
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.

(a) Front Yard Fences:

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

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

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

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

(A) Permitted Uses:

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

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

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

1. Every interior lot multi-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred feet (100') and a minimum lot area of the greater of: a) thirteen thousand two hundred (13,200) square feet, or b) two thousand two hundred (2,200) square feet per dwelling unit.
2. Every corner lot multi-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred twenty feet (120') and a minimum lot area of the greater of a) fifteen thousand eight hundred forty (15,840) square feet, or b) two thousand two hundred (2,200) square feet per dwelling unit.
3. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size.
(amd. Ord. 06-19, 7-10-06)

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

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

(a) Front Yard Fences:

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

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

CHAPTER 6
BUSINESS DISTRICTS

SECTION:

- 10-6-1: Purpose
 10-6-2: B-1 Professional Office District
 10-6-3: B-2 General Business District
 10-6-4: B-3 Highway and Service Commercial District

10-6-1: **PURPOSE:** The purpose of the business districts, as outlined herein, is to accommodate businesses by the grouping of compatible businesses in areas well located to serve the needs of the individual businesses and those of the community so as to create convenience to the public, minimizing of traffic congestion, discouragement of unsightly and inefficient business development, and to promote business prosperity and shopping convenience. (Ord. 78-31, 3-5-79)

10-6-2: **B-1 PROFESSIONAL OFFICE DISTRICT:**

(A) Permitted Uses:

1. Home, regional, district, and branch offices not to include retailing, wholesaling, trucking, manufacturing, or advertising signs or displays.
2. Offices for educational, fraternal, professional, and religious organizations.
3. Real estate and insurance company offices.
4. Offices of doctors, dentists, lawyers, architects, engineers, and similar professions.
5. Offices for governmental agencies.
6. Medical and dental clinics, excluding animal clinics or animal hospitals.
7. Barber and beauty shops.
8. In the Old Morton Business District, living quarters above or adjoining a business, not to exceed one (1) apartment. (Ord. 12-12, 9-4-12)

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

1. Hospitals and sanitariums, but not including animal hospitals. (Ord. 78-31, 3-5-79)
2. Rest homes, nursing and convalescent homes, and retirement centers.
(Ord. 78-31, 3-5-79; amd. Ord. 84-25, 4-15-85)
3. Churches, convents, and monasteries.
4. Financial institutions and banks.
5. Day care centers. (Ord. 78-31, 3-5-79)

6. Living quarters above or adjoining businesses, not to exceed one (1) apartment. If the property is located within the Old Morton District as designated on the map in 10-8-9 of the Morton Municipal Code, the Special Use requirement for living quarters does not apply. (Ord. 78-31, 3-5-79; amd. Ord. 92-15, 9-8-92; amd. Ord. 12-12, 9-4-12)
7. Borrow pits. (Ord. 86-23, 4-20-87)
8. Community activity center. (Ord. 94-13, 8-1-94)
9. Wind energy conversion system. (Ord. 07-04, 5-7-07)
10. Residential Treatment Center. (Ord. 07-37, 10-1-07)

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

1. Front Yard: The front yard shall be equal to the building height but in no case less than twenty five feet (25').
2. Side Yard: The side yard shall be not less than twelve feet (12') for each building of two and one-half (2 1/2) stories, plus six feet (6') for each story or portion of story above two and one-half (2 1/2) stories.
3. Rear Yard: The rear yard shall be not less than eight feet (8') for each building of two and one-half (2 1/2) stories, plus four feet (4') for each story or portion of story above two and one-half (2 1/2) stories.
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
 - (a) Ornamental fences not exceeding six feet (6') in height are permitted within the front yard. Enclosure fences are not permitted in front yards.
 - (b) Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)

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

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

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

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

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

10-6-3: **B-2 GENERAL BUSINESS DISTRICT:**

(A) Permitted Uses:

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

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

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

1. Any use permitted as a special use in the B-1 Professional Office District.
2. Automobile service stations and public garages, including new and used car sales rooms.
3. Bus depots and cab stands.
4. Drive-in restaurants where food is provided to customers in cars.

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

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

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

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

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

- (F) Required Construction Area And Composition: A building which is erected or enlarged shall conform to the following:
1. It shall rest upon footing or foundation. This shall not be construed to prohibit pole buildings or post frame buildings if set in concrete.
 2. It shall have sanitary facilities which comply with all other requirements of the Morton Municipal Code. This provision shall not apply to those buildings used exclusively for storage or warehousing.
- (G) Interstate Corridor: In the event the property is located within an interstate corridor, then the required lot size, required yard area, and driveways and parking areas, shall be as set forth in Title 10, Chapter 4, Subsections 7(B) and (C). The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)

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

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

17. Garages for repair and servicing of automobiles and trucks (but not to include outdoor storage other than vehicles awaiting repair or pick-up).
18. Machinery sales (not to include outdoor storage of machinery).
19. Motels and hotels.
20. Printing and publishing having not more than twenty five (25) employees other than office and maintenance employees.
21. Roller rinks and ice skating rinks.
22. Service, cleaning, or repair shops for personal, household, or garden equipment.
23. Sheet metal shops.
24. Storage, warehousing, and wholesale establishments provided carried out within enclosed buildings.
25. Veterinarian or animal hospital without outdoor kennels or runways.
26. Welding shops.

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

1. Any use permitted as a special use in the B-2 General Business District.
2. Any of the foregoing uses where outdoor storage of products or goods used or sold on the premises is a necessary part of the operation.

In making its recommendation to the Village Board to permit special uses involving outdoor storage areas, the Plan Commission shall require such outdoor storage areas, except those for the display of sale items, be located at least seventy feet (70') from the nearest collector or major street, highway, or interstate highway, as defined on the "Official Map" of the Village, and to be so located on the site and screened from public view from such streets and highways to the fullest extent possible. Such screening shall be by landscape screening or by a screening fence appropriately located, and as defined in Chapter 2 of this Title.

3. Automobile sales, including lots for the outdoor storage and display of new or used automobiles.
4. Building material establishments for the sale of dimensioned lumber, millwork, cabinets, and other building materials, provided no milling, planing, jointing, or manufacturing of millwork shall be conducted on the premises.
5. Cartage and express facilities, including the storage of goods, motor trucks, and other equipment.
6. Contractor's or construction offices and shops, such as building, concrete, electrical, masonry, printing, plumbing, refrigeration, and roofing, including any related outdoor storage areas.
7. Earthmoving and material handling equipment, including lots for the outdoor storage and display of such equipment.
8. Farm machinery and supplies, including lots for the outdoor storage and display of new or used farm equipment.

9. Mobile home and recreational vehicle sales and storage, not, however, to include the storage or parking of occupied mobile homes or recreational vehicles.
10. Monument sales, including outdoor storage and display of monuments.
11. Storage and warehousing involving outdoor storage.
12. Outdoor recreation facilities.
13. Fuel sales (not bulk plants) except where retail sales are incidental to another permitted use. (amd. Ord. 01-28, 11-5-01)
14. Lumber yards. (amd. Ord. 02-34, 3-17-03)

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

1. Front Yard: The front yard shall equal the building height but in no case shall it be less than forty five feet (45'), except that on the west side of Detroit Avenue south of Birchwood Street, the minimum front yard shall be sixty feet (60').
2. Side Yard: The side yard shall be a minimum of ten feet (10') unless an existing adjoining property provides no side yard, in which case the property need provide no side yard. Where adjoining structures are not attached, the side yard for a building of two and one-half (2 1/2) stories shall be a minimum of ten feet (10'). For each story or portion of story above two and one-half (2 1/2) stories, the side yard shall be increased by five feet (5').
3. Rear Yard: The rear yard shall be a minimum of twenty feet (20').
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
 - (a) Ornamental fences not exceeding six feet (6') in height are permitted within the front yard. Enclosure fences are not permitted in front yards.
 - (b) Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)

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

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

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

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

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

