

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 229 - February 2014
Includes Ordinances: 13-22, 13-27, 13-28, 13-29

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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:

13-22, November 4, 2013

13-27, February 3, 2014

13-28, February 3, 2014

13-29, February 3, 2014

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 Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.

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CHAPTER 3

RAFFLES

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3-3-1: **PURPOSE AND TITLE:**

- (A) Purpose: The purpose of this chapter is to regulate and control the conduct of raffles within the Village.

3-3-2: **CONSTRUCTION:** In the construction of this chapter, the definitions hereunder shall be observed and applied, except when the context clearly indicates otherwise:

- (A) Words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural number shall include the singular number.
- (B) The word SHALL is mandatory and not discretionary.
- (C) The word MAY is permissive or discretionary.
- (D) Words not defined shall be interpreted in accordance with definitions contained in Webster's New Collegiate Dictionary current edition.

3-3-3: **DEFINITIONS:** For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- BUSINESS ORGANIZATION** A voluntary organization composed of individuals or businesses who have joined together to advance the commercial, financial, industrial and civic interest of a community.

CHANCE	A number or a combination of numbers, or some other symbol or combination of symbols, one or more of which chances is represented to qualify for designation as the winning chance.
CHARITABLE ORGANIZATION	An organization or an institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit upon the public.
EDUCATIONAL ORGANIZATION	An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax supported schools.
FRATERNAL ORGANIZATION	An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those who otherwise would be cared for by the government.
LABOR ORGANIZATION	An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.
LICENSEE	An organization which has been issued a license to operate a raffle.
NET PROCEEDS	The gross receipts from the conduct of raffles, less sums expended for prizes, local license fees, and other reasonable operating expenses incurred as a result of operating a raffle.
NONPROFIT	Organized, operated, and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.
PERSON	An individual, firm, organization, public or private corporation, government, partnership, or unincorporated association.
PRIZE	The goods, services, money or other items of value or consideration awarded or represented to be awarded to the winning chance or chances.
RAFFLE	A form of lottery, as defined in Section 28-2(b) of the "Criminal Code of 2012," conducted by an organization licensed under this Title in which: <ol style="list-style-type: none"> 1. The player pays or agrees to pay something of value for a chance represented and differentiated by a number or by a combination of numbers or by some other means, one or more of which chances is to be designated the winning chance; and 2. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.
RELIGIOUS ORGANIZATION	Any church, congregation, society, or organization founded for the purpose of religious worship.

VETERAN'S
ORGANIZATION

An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

3-3-4: **LICENSE REQUIREMENTS:** It shall be unlawful to conduct or operate a raffle or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle unless said raffle has been licensed.

3-3-5: **AREA LIMITATION ON SALE OF CHANCES:** No license issued pursuant to this chapter authorizes any person or organization to conduct or operate a raffle or to sell, offer for sale, convey, issue, or otherwise transfer for value a raffle chance outside the corporate limits of the Village, and no persons or organizations shall conduct or operate a raffle licensed pursuant to this chapter outside the corporate limits of the Village.

3-3-6: **APPLICATION:** Any person seeking to conduct or operate a raffle shall file an application therefor with the Village Clerk or his designee on forms provided by the Village Clerk. Said application shall contain the following information:

- (A) The name, address, and type of organization;
- (B) The length of existence of the organization and, if incorporated, the date and state of incorporation;
- (C) The name, address, telephone number, social security number, and date of birth of the organization's presiding officer, secretary, raffles manager, and any other members responsible for the conduct and operation of the raffle;
- (D) The aggregate retail value of all prizes to be awarded in the raffle;
- (E) The maximum retail value of each prize to be awarded in the raffle;
- (F) The maximum price charged for each raffle chance issued or sold;
- (G) The time period during which the raffle chances will be issued or sold shall not exceed more than one hundred eighty (180) days after issuance of the license;
- (H) The time and location at which winning chances will be determined;
- (I) A sworn statement attesting to the not-for-profit character of applicant organization, signed by its presiding officer and secretary;
- (J) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in application is true and correct;
- (K) Copies of the applicant organization's founding documents, and if incorporated, the articles of incorporation and by-laws.

3-3-7: **LICENSE QUALIFICATIONS:** Raffle licenses shall be issued only to bona fide business, charitable, educational, fraternal, labor, religious, and veteran's organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years or more immediately before making application for a license and which have had during that entire five (5) year period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster.

- 3-3-8: **FEES:** There is no fee to issue a license.
- 3-3-9: **PERSON OR ORGANIZATIONS INELIGIBLE:** The following are ineligible for any raffle license:
- (A) Any person who has been convicted of a felony;
 - (B) Any person who is or has been a professional gambler or gambling promoter;
 - (C) Any person who is not of good moral character;
 - (D) Any organization in which a person defined in (A) through (C) that has a proprietary, equitable, or credit interest, or in which such person is active or employed;
 - (E) Any organization in which a person defined in (A) through (C) that is an officer, director, or employee, whether compensated or not; and
 - (F) Any organization in which a person defined in (A) through (C) above is to participate in the management or operation of a raffle as defined in this title.
- 3-3-10: **LICENSE ISSUANCE:** The Village Clerk or his designee shall review all raffle license applications and approve or deny, it within thirty (30) days from the date of application. If an application is accepted, a raffle license will be issued by the Village Clerk. If an application is rejected by the Village Clerk or his designee, that is final and there is no appeal process.

An organization may be issued a single license for multiple raffles within a time period not to exceed one (1) year. The organization may have one raffle manager or may designate different raffle managers for each raffle.

- 3-3-11: **CONDUCT OF RAFFLES:** The operation and conduct of raffles are subject to the following restrictions:
- (A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the licensee;
 - (B) No person except a bona fide member of the licensee may participate in the management or operation of the raffle;
 - (C) No person may receive remuneration or profit for participating in the management or operation of the raffle;
 - (D) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this chapter;
 - (E) Raffle chances may be sold, offered for sale, conveyed, issued or otherwise transferred for value only within the Village; the winning chances may be determined only at the location specified on the license;
 - (F) A person under the age of eighteen (18) years may participate in the conducting of raffles or chances only with the permission of a parent or guardian. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.

3-3-12: **RAFFLES MANAGER:** The operation and conduct of a raffle shall be under the supervision of a single raffle manager designated by the licensee. The manager shall give a fidelity bond equal in the amount to the aggregate retail value of all prizes to be awarded in favor of the licensee conditioned upon his honesty in the performance of his duties. The terms of the bond shall provide that notice shall be given in writing to the Village of Morton not less than thirty (30) days prior to its cancellation. The Board of Trustees may waive this bond requirement by including a waiver provision in the license issued to an organization under this chapter, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

3-3-13: **RECORDS:**

(A) Each licensee shall keep records of its gross receipts, expenses, and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount, and date of payment.

(B) Gross receipts from the operation of raffles shall be segregated from other revenues of the licensee including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each licensee shall keep separate records of its raffles. The person who accounts for gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the licensee.

(C) Each licensee shall report to the Village its gross receipts, expenses and net proceeds from the raffle, and the distribution of net proceeds itemized as required herein. Each report shall be made within thirty (30) days of the date of the raffle.

(D) Raffle records shall be preserved for three (3) years, and organizations shall make available their records relating to the operation of raffles for public inspection at reasonable times and places.

3-3-14: **SALE LIMITATIONS:** Chances may not be sold, offered for sale, conveyed, issued, or otherwise transferred for value after the time designated in the application.

3-3-15: **PRIZE LIMITATIONS:** The aggregate retail value of all prizes awarded in a single raffle shall not exceed forty thousand dollars (\$40,000).

3-3-16: **CHANCE LIMITATION:** The price which may be charged for each raffle chance sold, offered for sale, conveyed, issued, or otherwise transferred for value shall not exceed one hundred dollars (\$100.00).

3-3-17: **AWARDING OF PRIZE:** Upon the sale, conveyance, issuance or other transfer for value of any chance, the licensee shall award the prize or prizes designated as such in the application.

3-3-18: **SEVERABILITY:** If any provision of this chapter or the application thereof is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction then this chapter becomes void.

3-3-19: **LICENSE SUSPENSION OR REVOCATION:** The Chief of Police may suspend or revoke any license issued hereunder if he has reason to believe the licensee has failed to comply with any material requirement of this chapter. Nothing herein shall prevent the Village from seeking penalties from the licensee in addition to suspension or revocation of a license.

3-3-20: **PENALTY:** Failure to comply with any of the requirements of this chapter shall constitute a violation; and any person, upon conviction thereof, shall be fined no less than fifty dollars (\$50.00) but no more than seven hundred dollars (\$750.00) for each offense. Each day the violation continues shall be considered a separate offense.

(Ord. 13-27, 2-3-14)

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; CHANGE OF OWNERSHIP:

- (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. If a transfer is requested, an appropriate application shall be submitted together with payment of an investigation fee of fifty dollars (\$50.00). (amd. Ord. 12-24, 2-4-13)
- (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)
- (F) **Change of Ownership:** If the ownership of a license changes at any time, licensee shall notify the Liquor Commissioner in writing of same and provide the name and address of the new owner(s) and such other information as the Liquor Commissioner may require. The licensee shall also pay the sum of fifty dollars (\$50.00) as an investigation fee in order that the Liquor Commission can determine the eligibility of any new owner. (Ord. 12-24, 2-4-13)

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	One (1)
Class A-4	Zero (0)
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	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; amd. Ord. 12-05, 6-18-12; amd. Ord. 12-22, 12-3-12; amd. Ord. 13-13, 9-3-13; amd. Ord. 13-19, 10-21-13; amd. Ord. 13-28, 2-3-14)

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

- (A) The applicant's name and mailing address.
- (B) The name and address of the applicant's business.
- (C) If applicable, the date of the filing of the "assumed name" of the business with the County Clerk.
- (D) In case of a co-partnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; or, in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the Illinois Business Corporation Act¹ to transact business in the State of Illinois.
- (E) The name and address of the landlord if the premises are leased.
- (F) The date of the applicant's first request for a State liquor license and whether it was granted, denied, or withdrawn.
- (G) Whether the applicant has made an application for a liquor license which has been denied; and, if so, the reasons therefor.
- (H) Whether the applicant has ever had a previous liquor license suspended or revoked; and, if so, the reasons therefor.
- (I) Whether the applicant has ever been convicted of a gambling offense or felony; and, if so, the particulars thereof.
- (J) Whether the applicant possesses a current Federal Wagering or Gaming Device Stamp; and, if so, the particulars thereof.
- (K) Whether the applicant or any other person directly or indirectly in his place of business is a public official; and, if so, the particulars thereof.
- (L) Whether, in the case of an application for the renewal of a license, the applicant has made any political contributions within the past two (2) years; and, if so, the particulars thereof.

¹ S.H.A., Ch. 32, 1.01 et seq.

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

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

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

- (A) A person who is not a resident of any city, village, or county in which the premises covered by the license are located, except in case of railroad or boat license.
- (B) A person who is not of good character and reputation in the community in which he resides.
- (C) A person who is not a citizen of the United States.
- (D) A person who has been convicted of a felony under any Federal or State law, if the Liquor Control Commission determines after investigation that such person has not been sufficiently rehabilitated to warrant the public trust.

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

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

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

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

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

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

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

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

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

- (R) Main St. shall be a through street, except at the following locations:
1. Idlewood St. and Detroit Ave. (four-way stop).
 2. Jackson St. (four-way stop).
 3. Queenwood Rd. (four-way stop). (amd. Ord. 00-01, 5-1-00)
- (S) S. Minnesota Ave. shall be a through street at Sunset Rd.
- (T) Missouri Ave. shall be a through street, except at the following locations:
1. E. Jackson St.
 2. E. Jefferson St.
 3. E. Polk St.
 4. Sunset Rd.
- (U) E. Monroe St. shall be a through street, except at the following locations:
1. N. First Ave.
 2. N. Third Ave. (three-way stop).
 3. N. Illinois Ave.
 4. N. Indiana Ave.
 5. N. Missouri Ave.
 6. N. Nebraska Ave.
- (V) N. Morton Ave. shall be a through street, except at W. Jefferson St.
- (W) Nebraska Ave. shall be a through street, except at the following locations:
1. E. Idlewood St.
 2. E. Jackson St.
 3. E. Jefferson St.
 4. N. Main St.
- (X) Northbound Ossami Lake Dr. shall be a through street at Stoneway Dr.
- (Y) Northshore Dr. shall be a through street at Lakeview Dr.
- (Z) Pershing St. shall be a through street at Bauman Ave.
- (AA) S. Plum Ave. shall be a through street at W. Washington St.

- (BB) E. Polk St. shall be a through street at the following locations:
1. N. Kansas Ave.
 2. N. Minnesota Ave.
 3. N. Missouri Ave.
 4. Pierce St.
- (CC) Queenwood Rd. shall be a through street, except at the following locations:
1. S. Fourth Ave. (four-way stop).
 2. S. Main St. (four-way stop).
- (DD) S. Second Ave. shall be a through street at E. Maywood St.
- (EE) Stoneway Dr. shall be a through street, except at Veteran's Road.
- (FF) Sunset Rd. shall be a through street, except at the following locations:
1. S. Illinois Ave.
 2. S. Minnesota Ave.
- (GG) N. Third Ave. shall be a through street at the following locations:
1. Behrends Ct.
 2. E. Harrison St.
 3. E. Madison St.
 4. E. Polk.
 5. E. Tyler.
- (HH) Thornridge Dr. shall be a through street at Garnet Dr.
- (II) Veteran's Road shall be a through street, except at Jefferson St.
- (JJ) E. Washington St. shall be a through street at Clifton Ave.
- (KK) A four-way stop shall be located at the following intersections:
1. E. Edgewood St. and Lee Ave.
 2. S. Fourth Ave. and E. Queenwood Rd.
 3. S. Fourth Ave. and E. Washington St.
 4. N. Main St. and Jackson St.
 5. S. Main St. and Detroit Ave. / E. Idlewood St.
 6. S. Main St. and Queenwood Rd.

- (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, of free-standing signs, 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, except those attached to a building. 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; amd. Ord. 13-22, 11-4-13)
 - (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)

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Supplement 230 - March 2014
Includes Ordinances: 13-30, 13-31

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(and the following page)

6-2-8.1 (B) Any store, place, or premises...
(and the following page)

TITLE 10

10-6-3 5. Frozen food stores...
(and the following 2 pages)

10-6-3 5. Frozen food stores...
(and the following 2 pages)

PREFACE

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

13-30, February 17, 2014
13-31, March 3, 2014

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

- (B) 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; and
7. Raffles conducted pursuant to the provisions of Title 3, Chapter 3 of the Morton Municipal Code. (Ord. 96-40, 4-7-97; amd. Ord. 13-30, 2-17-14)

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.

- (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

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)
14. Car Washes. (amd. Ord. 13-31, 3-3-14)

(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. Garages for repair and servicing of automobiles and trucks (but not to include outdoor storage other than vehicles awaiting repair or pick-up).
17. Machinery sales (not to include outdoor storage of machinery).
18. Motels and hotels.
19. Printing and publishing having not more than twenty five (25) employees other than office and maintenance employees.
20. Roller rinks and ice skating rinks.
21. Service, cleaning, or repair shops for personal, household, or garden equipment.
22. Sheet metal shops.
23. Storage, warehousing, and wholesale establishments provided carried out within enclosed buildings.
24. Veterinarian or animal hospital without outdoor kennels or runways.
25. 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)
15. School bus storage yards and related buildings. (Ord. 13-07, 7-1-13)

(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)

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 231 - May 2014
Includes Ordinances: 13-32, 13-33, 13-34, 13-35, 14-01, 14-02, 14-04, 14-05

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-M- MINORS (cont.)

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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:

13-32, March 17, 2014
13-33, April 7, 2014
13-34, April 7, 2014
13-35, April 7, 2014
14-01, May 5, 2014
14-02, May 5, 2014
14-04, May 19, 2014
14-05, May 19, 2014

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

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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; CHANGE OF OWNERSHIP:

- (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. If a transfer is requested, an appropriate application shall be submitted together with payment of an investigation fee of fifty dollars (\$50.00). (amd. Ord. 12-24, 2-4-13)
- (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)
- (F) **Change of Ownership:** If the ownership of a license changes at any time, licensee shall notify the Liquor Commissioner in writing of same and provide the name and address of the new owner(s) and such other information as the Liquor Commissioner may require. The licensee shall also pay the sum of fifty dollars (\$50.00) as an investigation fee in order that the Liquor Commission can determine the eligibility of any new owner. (Ord. 12-24, 2-4-13)

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	One (1)
Class A-4	Zero (0)
Class B-1	Three (3)
Class B-2	Fourteen (14)
Class B-3	Two (2)
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; amd. Ord. 13-13, 9-3-13; amd. Ord. 13-19, 10-21-13; amd. Ord. 13-28, 2-3-14; amd. Ord. 13-35, 4-7-14)

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

- (A) The applicant's name and mailing address.
- (B) The name and address of the applicant's business.
- (C) If applicable, the date of the filing of the "assumed name" of the business with the County Clerk.
- (D) In case of a co-partnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; or, in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the Illinois Business Corporation Act¹ to transact business in the State of Illinois.
- (E) The name and address of the landlord if the premises are leased.
- (F) The date of the applicant's first request for a State liquor license and whether it was granted, denied, or withdrawn.
- (G) Whether the applicant has made an application for a liquor license which has been denied; and, if so, the reasons therefor.
- (H) Whether the applicant has ever had a previous liquor license suspended or revoked; and, if so, the reasons therefor.
- (I) Whether the applicant has ever been convicted of a gambling offense or felony; and, if so, the particulars thereof.
- (J) Whether the applicant possesses a current Federal Wagering or Gaming Device Stamp; and, if so, the particulars thereof.
- (K) Whether the applicant or any other person directly or indirectly in his place of business is a public official; and, if so, the particulars thereof.
- (L) Whether, in the case of an application for the renewal of a license, the applicant has made any political contributions within the past two (2) years; and, if so, the particulars thereof.

¹ S.H.A., Ch. 32, 1.01 et seq.

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

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

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

- (A) A person who is not a resident of any city, village, or county in which the premises covered by the license are located, except in case of railroad or boat license.
- (B) A person who is not of good character and reputation in the community in which he resides.
- (C) A person who is not a citizen of the United States.
- (D) A person who has been convicted of a felony under any Federal or State law, if the Liquor Control Commission determines after investigation that such person has not been sufficiently rehabilitated to warrant the public trust.

CHAPTER 4
ELECTRICAL CODE

SECTION:

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

4-4-1: **ADOPTION OF NATIONAL ELECTRICAL CODE:** The 2014 National Electrical Code, and any subsequent editions or amendments thereto, copyrighted by the National Fire Protection Association, a copy of which is on file in the office of the Village Clerk, is hereby adopted for the purpose of establishing rules and regulations for the installation of all electrical wiring, installation of electrical fixtures, apparatus, or electrical appliances for furnishing light, heat, or power, or other electrical work introduced into or placed in or upon, or in any way connected to, any building or structure within the Village. The same is hereby incorporated as fully as if set out at length herein. All amendments and new or revised editions shall be effective sixty (60) days after the Village publishes a notice indicating that such amendments or new or revised editions have been placed on file at the office of the Village Clerk. Until such date, the prior editions shall remain in effect. (Ord. 90-37, 4-15-91; amd. Ord. 94-24, 11-21-94; amd. Ord. 08-26, 12-1-08; amd. Ord. 14-05, 5-19-14)

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

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

(A) Residential Permits:

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

(B) Commercial/Industrial Permits:

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

(C) Sign Permits: \$100

(D) Service Panel Change Out/Generator: \$100

In the event any work is started prior to the time a permit is obtained, the permit fee shall be doubled. All electrical permits will be in effect for no more than 18 months or until a final inspection has been completed. Electrical permits shall be non-assignable. (Ord. 08-26, 12-1-08; amd. Ord. 08-40, 3-16-09; amd. Ord. 09-39, 1-4-10; amd. Ord. 10-02, 5-17-10; amd. Ord. 11-04, 5-2-11; amd. Ord. 13-02, 6-3-13)

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

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

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

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

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

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

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

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

1. A current license issued by any of the following communities:
 - a. Peoria, IL
 - b. Bloomington, IL
 - c. Springfield, IL
 - d. Decatur, IL
 - e. Pekin, IL
 - f. Ottawa, IL
 - g. Joliet, IL
 - h. any other Illinois testing community upon verification by the Zoning and Enforcing Officer; or

2. Evidence of successful completion of a test administered by any of the communities listed in subdivision (1) of this paragraph, or a national fire protection association test pertaining to the National Electrical Code and knowledge thereof.

Upon presentation by an electrician of satisfactory evidence of either of the items listed in (1) or paragraph (2) above, the Zoning and Enforcing Officer shall issue an electrical certification of registration to such an electrician. The electrical certification shall cost one hundred dollars (\$100) per year and shall be issued on a calendar year basis. No electrical work may be done without an electrical certification. (Ord. 08-26, 12-1-08, amd. Ord. 09-31, 11-16-09)

CHAPTER 1
FIRE DEPARTMENT

SECTION:

- 5-1-1: Creation Of Department
- 5-1-2: Officers; Compensation
- 5-1-3: Director Of Fire And Emergency Services
- 5-1-4: Duties Of Director Of Fire And Emergency Services
- 5-1-5: Records (Rep. by Ord. 94-2, 5-2-94)
- 5-1-6: Organization (Rep. by Ord. 94-2, 5-2-94)
- 5-1-7: Firefighter; Compensation
- 5-1-8: Bond Of Secretary-Treasurer
- 5-1-9: Duties Of Secretary-Treasurer (Rep. by Ord. 94-2, 5-2-94)
- 5-1-10: Issuance Of Warrants (Rep. by Ord. 94-2, 5-2-94)
- 5-1-11: Qualifications
- 5-1-12: Retirement
- 5-1-13: Hindering Officers
- 5-1-14: Property Saved At Fire
- 5-1-15: Volunteer Firefighter Pension Fund
- 5-1-16: Foreign Fire Insurance Board

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

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

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

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

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

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

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

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

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

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

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

Probationary Firefighter:	\$12.00
Active member with State of Illinois Firefighter II Certification:	\$18.00

In addition to the above, if a firefighter goes to the hospital with a paramedic, the compensation shall be increased by \$5.00.

The following additional educational bonuses will be added to the above compensation schedule for active members (non-probationary) for each emergency response, drill, meeting, or other official department activity attended:

Current Emergency Medical Technician (EMT) license (all levels) and meeting all of the requirements for active EMT status within the Peoria Area EMS System:	\$2.00
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At least three (3) other certifications from an approved class listing as published or as may from time to time be modified by the Fire Chief:	\$2.00
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The maximum allowable compensation for each emergency response, drill, meeting, or other official department activity attended shall be twenty-seven dollars (\$27.00).

The above compensation shall be the amount for each member of the Fire Department after all deductions for F.I.C.A. and applicable withholding on F.I.C.A. (Ord. 122, 3-5-56; amd. Ord. 83-27, 4-16-84; amd. Ord. 86-20, 4-6-87; eff. 5-1-87; amd. Ord. 94-2, 5-2-94; amd. Ord. 03-09, 7-21-03; amd. Ord. 13-33, 4-7-14)

5-1-8: **BOND OF SECRETARY-TREASURER:** Before entering upon the duties of his office, the Secretary-Treasurer shall execute a bond to the Village in the penal sum of twice the amount of the funds in the Treasury of the Department at the time he takes office, plus twice the aggregate estimated to be received by him during the following year. (Ord. 122, 3-5-56)

5-1-9: **DUTIES OF SECRETARY-TREASURER:** (Rep. by Ord. 94-2, 5-2-94)

5-1-10: **ISSUANCE OF WARRANTS:** (Rep. by Ord. 94-2, 5-2-94)

5-1-11: **QUALIFICATIONS:** No person shall be a member of said Fire Department unless he has attained the age of twenty one (21) years, is a person of good moral character, and is a resident of the Village or of the territory within one and one-half (1 1/2) miles of the Village and a resident of the Morton Area Farmers Fire Protection District, provided that at least eighty percent (80%) of the membership of said Fire Department shall be residents of the Village proper. (Ord. 625, 10-21-74)

5-1-12: **RETIREMENT:** Every member who upon attaining the age of sixty (60) years shall automatically be retired from active service and participation as such member and at the annual banquet following shall be presented with a service pin and made an honorary member of the Fire Department; provided, however, that in the event such member shall hold the office of President, Fire Chief, Assistant Fire Chief, or Secretary-Treasurer, the retirement at age sixty (60) shall not be mandatory for so long as such member retains one of said offices or until he attains the age of sixty five (65) years, and provided further that any member before attaining the age of sixty (60) but who becomes permanently disabled shall be automatically retired and presented a service pin and made an honorary member of the Department regardless of length of service at the annual banquet following such permanent disablement. (Ord. 122, 3-5-56)

5-1-13: **HINDERING OFFICERS:** It shall be unlawful to wilfully or intentionally hinder or interfere with any Village officer or fireman in the performance of his duty, or wilfully or negligently drive any vehicle, locomotive, or train of cars across, or upon any hose or otherwise damage any equipment or apparatus belonging to said Department. (1944 Code, Sec. 94)

5-1-14: **PROPERTY SAVED AT FIRE:** No person shall be permitted to remove or take away any property in the possession of the Department saved from fire until proof of the ownership shall have been made to the satisfaction of the Fire Chief. (1944 Code, Sec. 95)

5-1-15: VOLUNTEER FIREFIGHTER PENSION FUND:

- (A) Each member of the Morton Volunteer Fire Department who has completed five (5) years of active service, and who is sixty (60) years of age or older, upon retirement shall be paid by the Village as part compensation for his services with said Fire Department, a monthly pension for the rest of his life equal to five dollars (\$5.00) for each full year of creditable service with said Fire Department.
- (B) Each member of the Morton Volunteer Fire Department who has completed ten (10) years of active service and who is between fifty five (55) and sixty (60) years of age, upon retirement shall be paid by the Village as part compensation for his services with said Fire Department, a monthly pension for the rest of his life equal to five dollars (\$5.00) for each full year of creditable service with said Fire Department, less six and two-thirds percent (6 2/3%) for each year said member is under sixty (60) years of age, said percentage of reduction to be prorata for a part of year to the nearest month; e.g. if said member is five (5) months twenty (20) days from attaining the age of sixty (60) years, the percentage reduction is three and one-third percent (3 1/3%).
- (C) In the event a member of the Morton Volunteer Fire Department who has at least five (5) years of active service dies, then the present lump sum value of the benefit accrued at the time of death shall be paid to the member's designated beneficiary of the plan, or if none, or if the beneficiary is deceased, to the duly appointed executor or administrator of the member's estate. Said payment shall be made within sixty (60) days of the date of death, upon application of the beneficiary or personal representative of the estate, and presentation of a death certificate and letters of office, if applicable.
- (D) In the event a member of the Morton Volunteer Fire Department who has at least five (5) years of active service becomes permanently disabled, then the member or his duly appointed conservator shall within sixty (60) days of said disability or, if applicable, sixty (60) days from the appointment of said conservator, inform in writing to the Board of Trustees of the Morton Volunteer Fire Department Pension Fund which option he or she desires. The option is to either receive the present lump sum value of the benefit accrued at the time of disability (in which event no other payments would be made) or elect to receive a monthly benefit commencing at normal retirement date. Said monthly benefit will be determined on the basis of the active service credited to date of disability, and upon said disability the member shall cease to receive additional credit. The member or his conservator shall apply in writing to the Board of Trustees of the Morton Volunteer Fire Department Pension Fund in the event he becomes permanently disabled and shall furnish such information as deemed appropriate by the Morton Volunteer Fire Department Pension Fund, and shall, if requested, submit to an examination by a physician designated by the Morton Volunteer Fire Department Pension Fund.
- (E) In the event a member of the Morton Volunteer Fire Department terminates his employment and he has completed at least five (5) years of creditable service, then he shall be eligible for a retirement on the following basis:
1. If he has completed five (5) or more years but less than ten (10) years, he shall be eligible for pension benefits; and same shall commence after he has attained the age of sixty (60) years.
 2. If he has completed ten (10) or more years, he shall be eligible for early retirement and a reduced benefit as provided in subsection (B) of this Section; or he may begin to receive his retirement benefits at such time as he attains the age of sixty (60) years.
 3. If a member dies after terminating employment but before he begins to receive benefits, then the present lump sum value of the benefit accrued at the time of death shall be paid to the member's designated beneficiary of the plan, or if none, to the duly appointed executor or administrator of his estate.

TITLE 6
POLICE REGULATIONS

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

CHAPTER 9

POSSESSION OR CONSUMPTION OF TOBACCO OR ELECTRONIC CIGARETTES OR ALTERNATIVE NICOTINE PRODUCTS BY MINORS

SECTION:

- 6-9-1: Definitions
 6-9-2: Sales; Delivery
 6-9-3: Purchases
 6-9-4: Possession Or Consumption
 6-9-5: Exemption
 6-9-6: Penalty

6-9-1: **DEFINITIONS:** For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

“Tobacco products” means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco. (Ord. 97-7, 6-16-97)

“Electronic Cigarette” is a battery-powered device which simulates tobacco smoking. It uses a heating element called an atomizer that vaporizes a liquid solution. An ‘Electronic Cigarette’ includes devices known as personal vaporizer or electronic nicotine delivery system. (Ord. 14-02, 5-5-14)

“Alternative Nicotine Product” is a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. This does not include tobacco products as that term is defined in this Section or any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medicinal purposes. (Ord. 14-02, 5-5-14)

6-9-2: **SALES; DELIVERY:** It shall be unlawful for any person to sell, offer for sale, give away, or deliver tobacco products or electronic cigarettes or alternative nicotine products to any person under the age of eighteen (18) years. (Ord. 14-02, 5-5-14)

6-9-3: **PURCHASES:** It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or to misrepresent his or her identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products. (Ord. 97-7, 6-16-97)

6-9-4: **POSSESSION OR CONSUMPTION:** It shall be unlawful for any person under the age of eighteen (18) years to possess or consume any tobacco products or electronic cigarettes or alternative nicotine products. (Ord. 14-02, 5-5-14)

6-9-5: **EXEMPTION:** The provisions of Sections 6-9-2 and 6-9-4 of this Chapter do not apply to a person under the direct supervision of his or her parent or legal guardian in the privacy and confines of the parent’s or guardian’s home. (Ord. 97-7, 6-16-97)

6-9-6: **PENALTY:** Any person who violates any provision of this Chapter shall be subject to the following fines:

- (A) Twenty five dollars (\$25.00) for the first offense.
 (B) Fifty dollars (\$50.00) for a second offense within a twelve (12) month period.

- (C) One hundred dollars (\$100.00) for a third and subsequent offense within a twelve (12) month period.
- (D) Notwithstanding the foregoing, the penalty for the sale of a tobacco product or electronic cigarette or alternative nicotine product to a person under the age of eighteen (18) years shall be one hundred dollars (\$100.00) for the first offense. The penalty for any subsequent offense shall be a minimum of two hundred dollars (\$200.00) and a maximum of seven hundred fifty dollars (\$750.00)

The twelve (12) month period shall be measured from the date of conviction of any offense. (Ord. 97-7, 6-16-97; amd. Ord. 00-47, 2-5-01; Ord. 14-02, 5-5-14)

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

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

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

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

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

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

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

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

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

In commercially zoned areas and the interstate corridor, there shall be a minimum percentage of decorative masonry and/or decorative finish required for exterior walls, as follows:

Street frontage, or any elevation with public access or facing a public parking lot:	A minimum of fifty percent (50%) decorative masonry with the remainder to be a decorative finish
Side or rear abutting an interstate:	A minimum of fifty percent (50%) decorative masonry, which must run the length of the building to a minimum of three feet (3') from grade level up
Side or rear adjacent to a residential area:	A minimum of fifty percent (50%) decorative finish
Side or rear not fronting a street or abutting a residential area:	No requirements

On all other projects requiring site plan review, there shall be thirty five percent (35%) of brick stone work or decorative masonry on the portion of the building fronting a street or highway.

The Board of Trustees may alter or waive the requirements subject to the following: suitable landscaping and an alternative material of decorative wood which is stained or painted. In allowing an altering or waiving of the requirements, the Board of Trustees may impose such additional conditions as it may deem appropriate.

The Board of Trustees may alter or waive the requirements for additions to existing buildings that at the time of the addition do not have the required brick stone work or decorative masonry or any building that is being remodeled, and may impose such conditions as it may deem appropriate in granting such waiver.

Notwithstanding the foregoing provisions, there shall be no requirement for brick stone work or decorative masonry for a metal-clad and station-type cubical switchgear, which includes equipment for the control and protection of apparatus used for power generation, conversion, and transmission and distribution. (amd. Ord. 04-03, 5-3-04; amd. Ord. 09-34, 12-21-09; amd. Ord. 13-34, 4-7-14)

10. Storm water detention plans and calculations.
11. Erosion control plans.
12. EPA water and sewer permit applications, as required. (amd. Ord. 05-46, 3-6-06)

(C) Review Of Site Plan: In reviewing site plans, the SPW shall consider:

1. Location of drives, ingress and egress points to public streets, and installation of sidewalks.
2. Traffic circulation and location of building, parking, loading, and storage areas within the site to ensure that use of the site creates minimum adverse effects on bounding streets and properties.
3. Less attractive or possible nuisance uses to be accommodated on the site which might require landscape screening or fencing. The SPW may require relocation of such uses to areas of the site where they will have less adverse visual or nuisance impact on surrounding properties and bounding roads.

4. Connection to Village utilities, storm water detention, and drainage.
5. Wall Length: Buildings should not exceed one hundred (100) lineal feet of wall length without providing architectural relief in the facade. Architectural relief as used herein shall mean using arcades, cornices, eaves, focal points, and offsets in elevation.

- (D) Superintendent Of Public Works' Action; Applicant's Petition To Village Board: Following the review, the SPW shall, by action, approve or disapprove the issuance of a zoning permit and shall notify the applicant and Zoning Enforcing Officer of his actions including, if disapproved, the reasons for disapproval. If approved, the Zoning Enforcing Officer shall issue the necessary permits providing the proposed structure or use is otherwise in compliance with regulations of the Village.

If the SPW disapproves the project or approves the project with conditions to which the applicant is not agreeable, the applicant may petition the Village Board for review of the project. The Village Board may concur or reverse the action of the SPW by a simple majority vote but shall take no action without receiving a written report from the SPW of the findings and action unless such report is not received within forty five (45) days of his action on the matter.

Site plans upon which issuance of zoning permits have been based after site plan review shall be filed in the office of the Zoning Enforcing Officer. Substantial variance from that site plan without concurrence of the SPW in carrying forth the proposed project shall be deemed to be a violation of this Title, subject to the penalties prescribed herein. (Ord. 78-31, 3-5-79; amd. Ord. 79-42, 4-7-80; amd. Ord. 94-4, 5-2-94; amd. Ord. 98-31, 12-21-98; amd. Ord. 00-35, 10-16-00; amd. Ord. 00-46, 12-18-00; amd. Ord. 02-34, 3-17-03; amd. Ord. 03-31, 11-17-03; amd. Ord. 03-39, 1-19-04)

10-4-7: **SITE PLAN REVIEW FOR INTERSTATE CORRIDOR:**

- (A) Purpose: This Section provides for additional requirements for all development within an interstate corridor, (except for areas zoned R-1 or R-2). The requirements in this Section are in addition to the requirements in Title 10, Chapter 4, Section 6, and any other parts of Title 10 that might apply, and where there is any conflict between the two (2) sections, the more restrictive provisions shall apply.
- (B) Required Lot Size: The minimum lot size shall be forty three thousand five hundred sixty (43,560) square feet [one (1) acre] with a minimum frontage width (meaning width at the building setback line) of one hundred seventy five feet (175').
- (C) Required Yard Areas: Every building hereafter erected or structurally enlarged shall provide the following yard requirements:
1. Front Yard: The front yard shall be at least equal to the building height, and in no case shall be less than forty five feet (45'), with a landscaped front yard of no less than thirty five feet (35').
 2. Side Yard: The side yard shall be not less than fifteen feet (15'). Where the side yard abuts the Interstate, it shall be forty five feet (45'), with a landscaped side yard of no less than twenty five feet (25').
 3. Rear Yards: The rear yard shall not be less than twenty feet (20'). Where the rear yard abuts the Interstate, it shall be forty five feet (45'), with a landscaped rear yard of no less than twenty five feet (25').

TITLE 12
MISCELLANEOUS

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Garage Sales	1
Smoking In Public Buildings	2
Employee Policies And Benefits	3
Emergency Declarations	4
Natural Disasters	5
State Officials And Employees Ethics Act	6
Firearm Concealed Carry Provisions	7

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. Receive no longevity accrual.
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; amd. Ord. 14-01, 5-5-14)

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)

12-3-18: **EMPLOYEE EVALUATIONS:** All supervisors shall complete and sign each employee evaluation by December 15 of each year. The evaluations will be kept in a locked cabinet at the municipal building. The persons having access to the files are: the President of the Board of Trustees, Mayor Pro Tem, and the Village Administrator.

Salary increases will not be granted until they are received by the Village Administrator.

If a supervisor is recommending a change in position on the salary schedule or any increase beyond that set forth in the salary schedule, the supervisor shall inform the Trustee who has responsibility over that department. That information shall be provided to the Trustee at the time the evaluation is completed. (Ord. 12-29, 4-1-13)

CHAPTER 7

FIREARM CONCEALED CARRY PROVISIONS

SECTION:

- 12-7-1: Prohibited Area
- 12-7-2: Employee Working Hours
- 12-7-3: Village Vehicles
- 12-7-4: Exceptions
- 12-7-5: Firearm Definition

12-7-1: **PROHIBITED AREA:** A Village employee, whether working or not, is prohibited from carrying into any public building or prohibited area, as defined in Section 65 of the Firearm Concealed Carry Act, as now in effect or as may be amended from time to time.

12-7-2: **EMPLOYEE WORKING HOURS:** A Village employee shall be prohibited from carrying a concealed firearm during the hours he or she is working for the Village.

12-7-3: **VILLAGE VEHICLES:** A Village employee is prohibited at all times from having a firearm in any vehicle owned by the Village.

12-7-4: **EXCEPTIONS:** The following are exceptions to Section 3

- (A) Police, both regular and auxiliary may carry a firearm or possess a firearm in a Village vehicle while on duty.
- (B) Unloaded firearms may be in a public building for training purposes conducted by the Police Chief or his designee or the Director of Fire and Emergency Services or his designee.
- (C) If a volunteer firefighter, paramedic, police officer, or auxiliary police officer, while in his or her personal vehicle, responds to an emergency situation and that person has a firearm in his or her vehicle, that shall not be considered a violation of this ordinance.
- (D) If a firearm is found on a person paramedics are treating, that is not a violation and neither is the fact the paramedics will have to secure it and keep it in the ambulance
- (E) The carrying of a firearm by the Police Chief or Deputy Police Chief in a Village vehicle while using it for personal use.
- (F) Any state statute or federal law that applies and allows the carrying of a firearm that would otherwise be prohibited by this ordinance.

12-7-5: **FIREARM DEFINITION:** Firearm means firearm as defined in 430 ILCS 65/1.1 as now in effect or as may be amended from time to time.
(Ord. 14-04, 5-19-14)

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Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 232 - August 2014
Includes Ordinances: 14-06, 14-10, 14-11, 14-12, 14-13, 14-15, 14-16, 14-17

REMOVE PAGES HEADED

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TITLE 3

3-8-1	RESTAURANT: Any public place... (and the rest of the chapter)	3-8-1	RESTAURANT: Any public place... (and the rest of the chapter)
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TITLE 4

4-1-1	CHAPTER 1 BUILDING CODE AND... (and the following 2 pages)	4-1-1	CHAPTER 1 BUILDING CODE AND... (and the following 2 pages)
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TITLE 5

5-3-1	CHAPTER 3 FIRE PREVENTION CODE	5-3-1	CHAPTER 3 FIRE PREVENTION CODE
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TITLE 6

6-11-3	8. No person shall permit...	6-11-3	8. No person shall permit...
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TITLE 9

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TITLE 10

10-4-12	10. Construction of on-site...	10-4-12	10. Construction of on-site...
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TITLE 11

11-9-1	CHAPTER 9 SPECIAL RESTRICTIONS	11-9-1	CHAPTER 9 SPECIAL RESTRICTIONS
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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:

14-06, June 2, 2014
14-10, July 7, 2014
14-11, July 7, 2014
14-12, July 7, 2014
14-13, July 7, 2014
14-15, July 21, 2014
14-16, July 21, 2014
14-17, July 21, 2014

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.

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

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

3-8-3: **TYPES OF LICENSES:**

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

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

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

Additionally, this license shall authorize the licensee to conduct unlimited product tasting of beer or wine in the licensed premises. (amd. Ord. 14-06, 6-2-14)

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

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

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

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

Additionally, this license shall authorize the licensee to conduct unlimited product tasting of beer or wine in the licensed premises. (amd. Ord. 14-06, 6-2-14)

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

8. Class C: Class C licenses shall authorize the sale at retail of alcoholic liquors at a club for consumption on the premises only. The annual fee for such licenses shall be twelve dollars (\$12.00).

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

9. Class D: Class D licenses shall authorize the sale at retail of beer and wine only in a grocery store for consumption off the premises only. The annual fee for such licenses shall be one thousand four hundred forty dollars (\$1,440.00). (amd. Ord. 14-06, 6-2-14)

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

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

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

(a) Security

- (1) Security cameras shall at all times be in operation and the licensee shall keep a copy of the video for one week. In the event the Village of Morton wants a copy of the video, licensee shall provide same to the Village. The licensee may dispose of any video after one week. Security cameras shall be placed so as to provide coverage of all points of sale and aisles where beer and wine are displayed.
- (2) During hours when beer and wine sales are not allowed, the following shall apply:
 - a. An aisle that has beer and wine on both sides shall be blocked with a heavy gauge, locked fence or gate.
 - b. An aisle that has beer and wine on only one side shall be blocked with a heavy gauge, locked fence, gate, or pull down or across cover.
- (3) Excess beer and wine inventory not displayed for sale shall be secured in a locked cage or room in the store's warehouse or storage area. No one under 21 years of age shall have access to the warehouse or storage area, or be involved in the handling, stocking, or inventorying of beer or wine products.

- (4) Check-out lanes for beer and wine shall be designated with appropriate signage. No employee under the age of 21 may scan any alcohol item for purchase during check-out. A cashier or supervisor over 21 years of age must scan every alcohol item for purchase during customer check-out.
 - (5) There shall be no self check-out.
 - (6) The restricted sale times must be “flagged” in the Point of Sale system so as not to allow sales during restricted hours.
- (b) Employee Training
- (1) Licensee shall conduct a corporate training program related to alcohol sales that includes one-on-one instruction, ongoing supervision, and refresher training that is equivalent to or better than the Beverage Alcohol Sellers and Servers Education and Training (BASSET) program of the Illinois Liquor Commission.
 - (2) Certification of the program and completion of it by each employee who will act as a cashier for any liquor sales shall be provided at the time of the issuance of the license or any renewal. If different employees other than those originally listed are to act as cashier for any liquor sales, then a certification must be provided when an employee is added and before the employee acts as a cashier.
- (c) Display
- (1) Beer and wine may be displayed in only one aisle of the store and that specific aisle must be designated in writing to the Liquor Control Commissioner and approved in writing by the Liquor Control Commissioner. Any change to a different aisle must go through the reapplication process. Beer and wine shall be displayed only within the aisle approved by the Liquor Control Commission, and any change of display must be approved by the Liquor Control Commissioner.
 - (2) Beer and wine shall not be displayed on the ends of the designated aisle.
 - (3) Access to aisles shall only be permitted on the end.
- (d) Promotions
- (1) Cross sales promotions using actual beer or wine products may only occur in the aisle where beer and wine are permitted to be displayed.
 - (2) Beer and wine advertisements and promotions shall only be displayed in the aisle where beer and wine are permitted to be displayed.
- (e) Beer And Wine Product Tasting
- Beer and wine product tasting shall only be conducted in a segregated area of the store to be approved by the Liquor Commissioner. No persons under the age of 21 may participate in beer or wine product tasting. No persons under the age of 21 can be in the designated area where beer or wine product tasting is taking place, unless that person is accompanied by a parent or legal guardian. No persons under the age of 21 may participate in the product tasting in any way. The store shall be responsible for checking the age of every person participating in the the beer or wine product tasting.

(f) Additional Restrictions And Requirements

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

10. Class E: Class E licenses shall be a supplementary license authorizing the sale at retail of alcoholic liquors in an outdoor eating, drinking or seating area (i.e., beer garden, open air cafe, patio, etc.) located adjacent to and operated by and in conjunction with an otherwise licensed premise subject to the following:
- (a) Only those licensees holding a Class A-2, Class A-3, Class B-2, Class B-3, or Class G liquor license shall be eligible to apply for, receive, and hold a Class E license, which allows for the sale and consumption of alcoholic liquor off premises. Only those alcoholic liquors lawfully licensed to be sold and consumed in the adjacent licensed premises may be sold and/or consumed in the outdoor eating, drinking, or seating area. All other provisions of the Morton Municipal Code pertaining to the respective liquor license class shall apply to the Class E licensed area unless otherwise provided herein.
 - (b) The outdoor eating, drinking, or seating area must comply with the following:
 - (1) Be immediately adjacent and contiguous to the licensed premises, be viewable from the street or parking lot, and be accessible from the exterior.
 - (2) Be no greater in area than the gross floor area of the licensed premises.
 - (3) Have the ability to be illuminated in case of emergency.
 - (4) For restaurants, be contained by fencing or other suitable material at least four feet (4') in height, measured from the finished floor elevation of the outside eating, drinking, or seating area, which defines the seating area and sets that area apart from the surrounding property and provides for limited and controlled access to the outside eating, drinking and seating area.
 - (5) For establishments other than restaurants, be accessible to customers and patrons from the interior of the licensed premises only and be entirely and completely contained by fencing or other suitable material at least six feet (6') in height, measured from the finished floor elevation of the outside eating, drinking, or seating area, which effectively prevents the passing of alcohol to the outside and defines the seating area and sets that area apart from the surrounding property.
 - (6) The hours of operation of the outside eating, drinking, and seating area shall not extend past 1:00 A.M. or the closing time required for the licensed premises pursuant to Section 3-8-4, whichever is earlier.
 - (c) At least one fully operable, emergency only exit shall be provided from the outdoor eating, drinking, or seating area directly to the outside for establishments other than restaurants and for any restaurant where the only other means of egress is through the interior of the licensed premises. Said emergency only exit shall be in addition to the access provided directly from the licensed premises, may be used to provide a means of egress/ingress for persons whose physical limitations or handicaps preclude their entrance or exit from the interior of the licensed premises, and may be used for the purpose of taking delivery of products, materials, and supplies.

- (d) The total square footage of the outdoor eating, drinking, or seating area shall be included in the total parking calculations and requirements for the site.
- (e) No amplified sound or music nor any live entertainment shall be permitted in the outdoor eating, drinking, or seating area after 10:00 P.M. and shall at all times be subject to all noise limitations of the Village.
- (f) Each and every owner, operator, and/or manager licensed to sell alcoholic liquors in an outdoor eating, drinking, or seating area shall provide regular, diligent, and effective management and employee oversight and control of such outdoor eating, drinking, or seating area to assure compliance with the provisions of this Chapter and the Morton Municipal Code.

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

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

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

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

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

- (a) Each such license issued shall set forth the number of days for which it is granted, except that it may not exceed seven (7) days.
- (b) Each such license issued shall set forth the permitted location and the permitted hours of operation, which in no event shall exceed the allowable hours of operation for the particular license held by the applicant. The location shall be on the premises where a license is issued or immediately adjacent thereto.
- (c) Upon the approval of the issuance of such license, the applicant shall pay the sum of fifty dollars (\$50.00) plus twenty-five dollars (\$25.00) for each day of usage requested. Said fee is nonrefundable.
- (d) No person may obtain a Class F license more than once in any sixty (60) day period.
- (e) Upon the approval of the issuance of such license, the Chief of Police, or his designee, shall inspect and approve the outside area designated in the application for the Class F license before the license is provided to the applicant.

12. Class G: Class G licenses shall authorize a patron to bring his or her own beer or wine onto the premises for consumption on the premises. The annual fee for such licenses shall be sixty dollars (\$60.00).

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

13. Class H: A Class H liquor license may be issued by the local liquor control commissioner subject to the following:

- (a) It may be used for beer and wine sales only;
- (b) Each such license shall set forth the number of days for which it is granted, except that it may not exceed seven (7) days.
- (c) Each such license issued shall set forth the permitted location and the permitted hours of operation, which in no event shall be later than 10:00 P.M. if the event is outdoors or 12:00 midnight. if indoors.
- (d) Upon the approval of the issuance of such license, the applicant shall pay the sum of fifty dollars (\$50.00) plus twenty-five dollars (\$25.00) for each day of usage requested. Said fee is nonrefundable.
- (e) No person may obtain a Class H license more than twice in any fiscal year (May 1 to April 30).
- (f) As part of the approval process, if the event is to be held outdoors, the Chief of Police, or his designee, shall inspect and approve the area designated in the application for the class H license before the license is provided to the applicant.
- (g) A license that can be issued for indoor or outdoor activities.
- (h) Licenses may only be issued to civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least nine months prior to the making of such application and which in good faith have maintained a membership role during such nine month period, or any such organizations which have been incorporated under state law.
- (i) If the applicant does not own the property upon which the event will take place, the written permission of the owner is required.
- (j) In residential districts only where the sponsor is a qualified organization and the event occurs wholly indoors at a residence or outdoors but no later than 10:00 P.M. (Ord. 11-02, 5-2-11)

14. Class I: A Class I liquor license may be issued by the local liquor control commissioner subject to the following:

- (a) Class I Licenses allow outdoor drinking or seating, and may be issued only to a holder of a Class A-3 License and allows area subject to the following:
 - (1) Be immediately adjacent and contiguous to the licensed premises, be from the street or parking lot, and be accessible from the interior of the premises.
 - (2) Be no greater in area than the gross floor area of the licensed premises.
 - (3) Have the ability to be illuminated in case of emergency.

(4) The hours of operation of the outside drinking shall not extend past 1:00 A.M. or the closing time required for the licensed premises pursuant to Section 3-8-4, whichever is earlier.

- (b) The drinking or seating area may be located on a sidewalk provided it does not substantially impede pedestrian use. The license holder shall sign an agreement indemnifying and holding the Village harmless from any liability, claims, or damages that might be asserted by any party as a result of the location of the drinking or seating in the right-of-way. The license holder shall provide the Village a certificate of insurance with minimum coverage of one million dollars (\$1,000,000.00) per occurrence and which names the Village as an additional insured.
- (c) The total square footage of the outdoor drinking or seating area shall be included in the total parking calculations and requirements for the site.
- (d) No amplified sound or music nor any live entertainment shall be permitted in the outdoor drinking or seating area after 10:00 P.M. and shall at all times be subject to all noise limitations of the Village.
- (e) Each and every owner, operator, and/or manager licensed to sell alcoholic liquors in an outdoor drinking or seating area shall provide regular, diligent, and effective management and employee oversight and control of such outdoor drinking to assure compliance with the provisions of this Chapter and the Morton Municipal Code.
- (f) The annual fee for such licenses shall be one hundred twenty dollars (\$120.00), which shall be in addition to any other fees required by license holders pursuant to this Chapter.
- (g) Notwithstanding any other provision of this Chapter, it shall be unlawful for any liquor licensee to serve or allow to be consumed alcoholic liquor at an outdoor drinking or seating area without first obtaining a license as provided herein. (Ord. 14-15, 7-21-14)

(B) Other Permitted Uses:

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

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

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

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

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

- Class A-3 holder: On Monday through Saturday from 12:00 midnight to 1:00 A.M. and from 10:00 A.M. to 12:00 midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 12:00 midnight.
- Class A-4 holder: On Monday through Saturday, except Christmas Day, 9:00 A.M. to 11:00 P.M.; on Sunday and Christmas Day from 12:00 noon to 11:00 P.M.
- Class B-1 holder: On Monday through Saturday, except Christmas Day, 9:00 A.M. to 11:00 P.M.; on Sunday and Christmas Day from 12:00 noon to 11:00 P.M.
- Class B-2 holder: On Monday through Saturday from 12:00 midnight to 1:00 A.M. and from 10:00 A.M. to 12:00 midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 12:00 midnight.
- Class B-3 holder: On Monday through Saturday from 12:00 midnight to 1:00 A.M. and from 10:00 A.M. to 12:00 midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 12:00 midnight.
- Class C holder: On Monday through Thursday from 5:00 A.M. to 11:00 P.M.; on Friday from 5:00 A.M. to 12:00 midnight; on Saturday from 12:00 midnight to 1:00 A.M. and from 5:00 A.M. to midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 9:00 P.M.
- Class D holder: On Monday through Saturday, except Christmas Day, from 10:00 A.M. to 10:00 P.M.; on Sunday and Christmas Day from 12:00 noon to 10:00 P.M.
- Class E holder: As allowed by the granting of same.
- Class F holder: As allowed by the granting of same.
- Class G holder: On Monday through Saturday from 12:00 midnight to 1:00 A.M. and from 10:00 A.M. to 12:00 midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 12:00 midnight.
- Class H holder: Allowed by the granting of same. (amd. Ord. 11-02, 5-2-11)

- (B) On January 1 of each year, holders of Class A-2, Class A-3, Class B-2, Class B-3, and Class C liquor licenses may extend their hours of sale to 2:00 A.M. This extension is allowed provided that no additional patrons may be admitted after regular closing hours, and there shall be no advertising or invitation to the public that the premises are open after the regular closing hours; and, in the event of any disturbance of the peace within the licensed premises, the premises shall close on order of the police at any time after regular closing hours; and the extension of the New Year's Eve closing hour shall not further apply; and all patrons shall, on such order of the police, immediately leave the licensed premises.
- (C) It shall be unlawful to keep open for business, to advertise it is open for business, or to admit the public to any licensed premises during the hours which it is prohibited from selling or dispensing alcoholic beverages or within thirty (30) minutes after the closing hour to permit any consumption or open containers of alcoholic beverages that could be used for consumption. No person other than the licensee or employees engaged in the performance of their duties shall be permitted to remain on said premises more than thirty (30) minutes after closing hours and until the premises may be legally reopened; provided, that in case of restaurants, such establishments may be kept open during such hours but no alcoholic liquor may be sold after the closing hour, nor shall any open container of alcoholic beverage be available to the public or any patron within thirty (30) minutes after the closing hour. (amd. Ord. 08-37, 3-16-09)

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

- (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. If a transfer is requested, an appropriate application shall be submitted together with payment of an investigation fee of fifty dollars (\$50.00). (amd. Ord. 12-24, 2-4-13)
- (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)
- (F) Change of Ownership: If the ownership of a license changes at any time, licensee shall notify the Liquor Commissioner in writing of same and provide the name and address of the new owner(s) and such other information as the Liquor Commissioner may require. The licensee shall also pay the sum of fifty dollars (\$50.00) as an investigation fee in order that the Liquor Commission can determine the eligibility of any new owner. (Ord. 12-24, 2-4-13)

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	One (1)
Class A-4	Zero (0)
Class B-1	Three (3)
Class B-2	Fourteen (14)
Class B-3	Two (2)
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
Class I	One (1)

(Ord. 86-1, 5-5-86; amd. Ord. 86-14, 11-3-86; Ord. 87-11, 8-17-87; Ord. 88-14, 8-15-88; Ord. 89-10, 8-21-89; Ord. 95-1, 5-15-95; Ord. 97-14, 7-22-97; Ord. 97-38, 4-20-98; Ord. 98-30, 12-7-98; Ord. 98-49, 4-19-99; Ord. 99-12, 8-2-99; Ord. 99-17, 9-7-99; Ord. 99-38, 11-15-99; amd. Ord. 99-48, 2-21-00; amd. Ord. 00-02, 5-1-00; amd. Ord. 01-01, 5-7-01; amd. Ord. 02-10, 7-1-02; amd. Ord. 04-10, 6-21-04; amd. Ord. 04-21, 7-6-04; amd. Ord. 05-22, 10-17-05; amd. Ord. 05-47, 3-20-06; amd. Ord. 06-08, 6-5-06; amd. Ord. 08-10, 8-18-08; amd. Ord. 08-13, 9-15-08; amd. Ord. 08-15, 11-3-08, amd. Ord. 08-29, 12-1-08; amd. Ord. 08-47, 4-20-09; amd. Ord. 09-06, 5-18-09; amd. Ord. 09-09, 6-1-09; amd. Ord. 09-12, 7-6-09; amd. Ord. 09-23, 8-3-09; amd. Ord. 10-23, 11-15-10; amd. Ord. 10-34, 2-21-11; 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; amd. Ord. 13-13, 9-3-13; amd. Ord. 13-19, 10-21-13; amd. Ord. 13-28, 2-3-14; amd. Ord. 13-35, 4-7-14; amd. Ord. 14-15, 7-21-14)

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

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

¹ S.H.A., Ch. 32, 1.01 et seq.

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

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

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

- (O) Any law-enforcing public official, including members of the local Liquor Control Commission, any mayor, alderman, or member of the City Council or Commission, any president of the Village Board of Trustees, or any president or member of a county board; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission.
- (P) A person who is not a beneficial owner of the business to be operated by the licensee.
- (Q) A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(10) of Section 28-1 or as proscribed by Section 28-3 of the "Criminal Code of 1961" approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.¹
- (R) A person to whom a Federal Gaming Device Stamp or a Federal Wagering Stamp has been issued by the Federal government for the current tax period.
- (S) A co-partnership to which a Federal Gaming Device Stamp or a Federal Wagering Stamp has been issued by the Federal government for the current tax period, or if any of the partners have been issued a Federal Gaming Device Stamp or Federal Wagering Stamp by the Federal government for the current tax period.
- (T) A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a Federal Gaming Device Stamp or a Federal Wagering Stamp for the current tax period.
- (U) Any premises for which a Federal Gaming Device Stamp or a Federal Wagering Stamp has been issued by the Federal government for the current tax period. (Ord. 86-1, 5-5-86)

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

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

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

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

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

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

¹ S.H.A. 720 ILCS.

² S.H.A. 235 ILCS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WARNING TO MINORS

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

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

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

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

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

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

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

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

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)

CHAPTER 1

BUILDING CODE AND BUILDING PERMITS

SECTION:

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

4-1-1: **ADOPTION OF BUILDING CODE:**

- (A) The 2015 Edition of the International Building Code, and any subsequent editions or amendments therefore, copyrighted by the International Code Council, Inc., a copy of which is on file in the office of the Village Clerk, is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, and location and maintenance of buildings and structures.
- (B) The 2015 Edition of the International Fire Code and any subsequent editions or amendments thereto is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, use and occupancy, and maintenance of buildings and structures.
- (C) The Codes are incorporated fully as if set out at length herein, and the provisions thereof shall be controlling in the construction, alteration, use and occupancy, and maintenance of all buildings and structures. All amendments and new or revised editions shall be effective sixty (60) days after the Village publishes a notice indicating that such amendments or new or revised editions have been placed on file at the office of the Village Clerk. Until such date, the prior editions shall remain in effect. (Ord. 90-37, 4-15-91; amd. Ord. 94-24, 11-21-94; amd. Ord. 00-42, 12-4-00; amd. Ord. 14-12, 7-7-14)

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

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

- (A) **Building Permits:** Applications for building permits shall be filed in written form with the Zoning Office of the Village and shall contain such information as required by the Zoning Enforcing Officer.
- (B) **Certificate Of Occupancy:**
 1. No land shall be occupied or used and no building hereafter erected, altered, or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Zoning Enforcing Officer.

2. All certificates of occupancy shall be applied for coincident with the application for a building permit, and said certificate shall be issued within three (3) days after the construction or alteration shall have been approved.
3. The Zoning Enforcing Officer shall maintain a record of all certificates.
4. If a building is occupied before a certificate of occupancy is issued, the owner of the building shall be subject to a minimum fine of two hundred fifty dollars (\$250.00) up to a maximum fine of seven hundred fifty dollars (\$750.00) for each and every day the building is occupied without a certificate of occupancy.

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

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

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

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

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

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

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

4-1-3: FEES:

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

<u>Valuation</u>	<u>Permit Fee</u>
Up to \$1,000.00	\$15.00
\$1,000.01 to \$5,000.00	\$30.00
\$5,000.01 to \$50,000.00	\$30.00 plus \$3.50 per \$1,000.00 over \$5,000.00
\$50,000.01 to \$100,000.00	\$187.50 plus \$2.50 per \$1,000.00 over \$50,000.00
\$100,000.01 to \$500,000.00	\$312.50 plus \$2.00 per \$1,000.00 over \$100,000.00
Over \$500,000.01	\$1,112.50 plus \$1.50 per \$1,000.00 over \$500,000.00
Zoning Permit (amd. Ord. 03-02, 7-7-03)	\$20.00

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

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

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

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

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

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

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

Said fee shall be as follows:

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

3. Two hundred seventy-five dollars (\$275) for fire detection and alarm systems plan review, inspection and code enforcement, when such a system is required by code or is otherwise to be installed.
4. Three hundred dollars (\$300) for site plan review. (amd. Ord. 08-02, 5-5-08)

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

1. One (1) and two (2) family dwellings, residential garages and storage buildings.
2. Accessory buildings as defined by Village ordinance.
3. School buildings.
4. Buildings that are regulated by State Law and are inspected by the Office of the State Fire Marshall, which may include, but is not limited to day care facilities.
5. Buildings used exclusively for agriculture or farm storage use.
6. Buildings that are not designed to be and are rarely occupied by people, as may be determined by the Director of Fire and Emergency Services. It should be made clear that the intent of this exemption is to exclude, but is not limited to, buildings such as those that are erected only for the purpose of housing or protecting mechanical, electrical, or pump equipment and the like, and are only occupied during maintenance of such equipment. (Ord. 04-07, 06-21-04)

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

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

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

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

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

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

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

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

- (A) Work or change in use authorized by the zoning permit, but not started within ninety (90) days, shall require a new permit.
- (B) Permits issued for new building construction or expansion shall require the completion of the exterior of the building(s) and all other exterior improvements specified in the building permit and approved drawing as follows:
1. If the cost of the project is under one million dollars (\$1,000,000), three hundred sixty (360) days from the permit issue date.
 2. If the cost of the project is one million dollars (\$1,000,000) or more, but less than five million dollars (\$5,000,000), five hundred forty (540) days from the permit issue date.
 3. If the cost of the project is five million dollars (\$5,000,000) or more, seven hundred twenty (720) days from the permit issue date.
- (C) A permit shall be revoked and a notice of violation issued when it shall be found from personal inspection or competent evidence that the rules or regulations under which it has been issued are being violated. (Ord. 90-37, 4-15-91; amd. Ord. 07-28, 8-20-07)

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

- (A) Application to extend the permit is made at least seven (7) days prior to the original expiration date. (amd. Ord. 04-58, 4-4-05)
- The Zoning Office shall have ten (10) days to review the extension request.
- (B) The permit applicant or its agents or lessees are not occupying a building or structure which has not been completed per the building permit.
- (C) The permit applicant or its agents or lessees are not using any portion of the property which has not been improved as required by the building permit.
- (D) If the applicant desires to renew the permit for a period of less than six (6) months, the zoning office may issue same and in such case the permit fee shall be based on the value of the work to be completed, based on the schedule set forth in Title 4, Chapter 1, Section 3(A). (amd. Ord. 04-58, 4-4-05)
- (E) If the work cannot be completed within six (6) months, then such application shall be made to the President and Board of Trustees who shall review same and determine whether there is just cause to allow a period greater than six (6) months and, if so, the length of time the permit will be extended. The renewal fee shall be based on the value of the work to be completed based on the schedule set forth in Title 4, Chapter 1, Section 3(A). (amd. Ord. 04-58, 4-4-05)
- (F) An applicant may request the extension of a permit one time only, and the maximum extension shall be a period of three hundred sixty (360) days. (Ord. 96-30, 10-21-96)

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

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

4-1-9: **CERTIFICATION OF COMPLETION OF CONSTRUCTION:** The general contractor on each building permit shall, prior to the issuance of a certificate of occupancy, certify to the Zoning Enforcing Officer that the building(s) has been constructed in full and strict compliance with the building permit, site plan, and all Village Ordinances. (Ord. 09-33, 12-7-09)

4-1-10: **VIOLATION OF BUILDING PERMIT, SITE PLAN, OR ORDINANCE:** Any person who constructs any portion of a building that is not in conformity with the building permit or site plan, or which is in violation of any Ordinance of the Village, shall be subject to a fine of fifty dollars (\$50) to seven hundred fifty dollars (\$750) per day. Each and every day that a violation exists shall be deemed a separate offense.

The issuance of a certificate of occupancy for a building shall not be a bar to prosecuting a person under this section. (Ord. 09-33, 12-7-09)

CHAPTER 3

FIRE PREVENTION CODE

SECTION:

- 5-3-1: Fire Prevention
- 5-3-2: Designating Qualified Personnel
- 5-3-3: Availability to General Public
- 5-3-4: Reviewing Plans
- 5-3-5: Determining Code Violations
- 5-3-6: Monetary Penalty For Violation Of Chapter

5-3-1: **FIRE PREVENTION:** There is hereby adopted for the purpose of prescribing regulations governing hazards to life and property from fire or explosion, Life Safety Code (NFPA 101) 2012 Edition, except for 24.3.5 (Extinguishment requirements), as now in effect or as may be amended from time to time. (Ord. 95-7, 6-19-95; amd. Ord. 01-19, 9-17-01; amd. Ord. 14-10, 7-7-14)

5-3-2: **DESIGNATING QUALIFIED PERSONNEL:** The Village of Morton shall designate or otherwise contract with a qualified private fire and life safety contractor, who shall report to the Director of Fire and Emergency Services, and shall be responsible for fire prevention, fire protection and life safety related reviews, inspections, enforcement and other similar services for and on behalf of the Village. (Ord. 04-08, 6-21-04)

5-3-3: **AVAILABILITY TO GENERAL PUBLIC:** Fire and Life Safety Code interpretation and consulting services related to the Village's fire prevention, fire protection and life safety codes and requirements shall be made available to the general public for a reasonable fee, as may be determined by and paid directly to the designated fire and life safety contractor. (Ord. 04-08, 6-21-04)

5-3-4: **REVIEWING PLANS:** Plans reviewed by the Village's fire and life safety contractor will be reviewed and acted upon by within ten (10) business days after said contractor receives all plans and documents as may be required. (Ord. 04-08, 6-21-04)

5-3-5: **DETERMINING CODE VIOLATIONS:** When, in the opinion of the Director of Fire and Emergency Services or his/her designee, it becomes necessary for the Village to consult with its designated fire and life safety contractor, including site inspection when appropriate, to establish if one (1) or more code violations exist at or on privately owned property within the Village, and if said violation(s) is determined to in fact exist, and a notice to correct said violation is issued or other necessary and appropriate action is taken by or on behalf of the Village to compel the property owner or other responsible person or business to correct said violation(s), then, in addition to any fines or fees that may be imposed pursuant to the violation(s), the property owner shall pay either to the Village or directly to the designated fire and life safety contractor, any and all fees or charges related to the Village's consultation related to the violation(s) including any fees or costs that may be incurred while determining if the violation has been corrected. (Ord. 04-08, 6-21-04)

5-3-6: **MONETARY PENALTY FOR VIOLATION OF CHAPTER:** Any person, firm, corporation, or customer who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of any provision of this Chapter shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than seven hundred fifty dollars (\$750.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Chapter shall continue. (Ord. 04-08, 6-21-04)

8. No person shall permit a vicious dog/cat to go outside a enclosed structure, house or other structure unless the vicious dog/cat is securely restrained with a leash no longer than four (4) feet in length and a minimum tensile strength of three hundred (300) pounds and fitted with a muzzle or securely restrained on a run line no longer than ten (10) feet in length and fitted with a muzzle. No person shall permit a vicious dog/cat to be kept on a leash unless a person eighteen (18) years old or older is in actual physical control of the leash and is physically able to control the dog/cat.
 9. The only time that a vicious dog may be allowed out of the enclosure are:
 - a. If it is necessary for the owner or keeper to obtain veterinary care for the dog.
 - b. In the case of an emergency or natural disaster where the dog's life is threatened.
 - c. To comply with the order of a court of competent jurisdiction. In all cases the dog should securely be securely muzzled and restrained with a leash not exceeding six (6) feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence. (amd. Ord. 14-17, 7-21-14)
 10. Spayed or Neutered: Once a dog/cat is found to be a vicious dog/cat, the dog/cat shall be spayed or neutered within ten (10) days of the finding at the expense of its owner.
 11. Verification of the identity of the owner and current address shall be provided by a photostatic copy of the owner's driver's license.
 12. In addition to Permanent Identification set forth under subsection (3) hereof, identity of the vicious dog/cat shall be provided by two (2) photographs of the vicious dog/cat to be licensed taken not more than one (1) month before the date of the application. One (1) photograph shall provide a front view of the vicious dog/cat and shall clearly show the face and ears of the vicious dog/cat. One (1) photograph shall show a side view of the vicious dog/cat.
- (L) The owner of any dog/cat found to be vicious shall maintain such animal in such a manner as to prevent its coming into contact with any person not residing with the owner, except when necessary to obtain veterinary care for the vicious dog/cat or when the vicious dog/cat is being boarded at a facility that can ensure all requirements pertaining to a vicious dog/cat can be continuously maintained during the boarding period.
- (M) No dog/cat shall be deemed vicious if it bites, attacks, or menaces a trespasser on the property of its owner, anyone assaulting its owner, anyone who has tormented or abused it, or is a professionally trained dog used for law enforcement or guard duties.
- (N) A finding by the Court of the failure to comply with this section will result in the impoundment of any dog/cat which has been found to be a vicious dog/cat and which is not confined in an enclosure by the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian or to the Hearing Officer and humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.
- (O) The owner of all professional guard dogs and animals trained to the same standard as guard dogs for show purposes shall register their animals with the Village Clerk. It shall be the duty of the owner of each such dog to notify the Village Clerk of changes of address and the owner shall keep the Village Clerk advised of the location where such dog will be stationed. The Village Clerk shall provide Police and Fire Departments with a list of such exempted dogs and shall promptly notify such departments of any changes reported to him.

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

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

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

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

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

	<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 130' south of E. Washington.
(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>
(GG)	E. Jackson St.	Both sides Both sides North side North side North side South side South side	From N. Main to N. First From N. Montana to the eastern corporate limits. From N. Second to N. Third. From N. Third to N. Kansas, between 8:00 A.M. and 4:00 P.M. on school days. From N. Missouri to 70' west of N. Missouri. From N. Third to N. Illinois. From the intersection of E. Jackson and N. Illinois, the following areas shall be specifically designated as no parking areas: (1) From said intersection to 80' east of the intersection. (2) Between the points 80' east and 200' east of said intersection, between 8:00 A.M. and 4:00 P.M. on school days. (3) Between the points 200' east and 800' east of said intersection. From N. Missouri to 110' west of N. Missouri.
(HH)	W. Jackson St.	Both sides	
(II)	E. Jefferson St.	Both sides Both sides Both sides North side North side North side South side South side	From S. Seventh to Illinois. From 110' west of Nebraska to 300' east of Nebraska, between 8:00 A.M. and 4:00 P.M. on school days. From 200' west of Oregon to the eastern corporate limits line. From Main to 200' east of Main. From N. Third to 75' east of N. Third, between 8:00 A.M. and 4:00 P.M. on school days. From N. Third to 190' west of N. Third. From Main to 80' east of Main. From S. Third to 300' west of S. Third.
(JJ)	W. Jefferson St.	North side North side South side South side South side South side	From Bradley to the western corporate limits line. From Main to 75' west of Main. From 225' east of Pershing to 250' west of Maple. From S. Plum to 115' west of S. Plum. From Main to 290' west of Main. From 430' east of McArthur to the western corporate limits line.
(KK)	N. Kansas Ave.	Both sides Both sides	From E. Jackson to Harrison, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests. From E. Monroe to 200' south of E. Monroe, between 8:00 A.M. and 4:00 P.M. on school days except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(LL)	Kay St.	North side South side South side	From N. Indiana to 70' east of N. Indiana. From N. Indiana to 55' east of N. Indiana. From 55' east of N. Indiana to N. Missouri, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(MM)	E. Madison St.	Both sides	From N. Main to N. First.
(NN)	W. Madison St.	South side	From N. Main to Bradley.
(OO)	N. Main St.	Both sides East side East side West side West side	From 160' south of N. Third to the northern corporate limits. From 130' south of Jackson to 250' north of Jackson. From Jefferson to 135' north of Jefferson. From 185' south of Jackson to 160' south of N. Third. From Jefferson to 150' north of Jefferson.
(PP)	S. Main St.	East side East side East side West side West side West side	From 300' north of Birchwood to E. Crestwood. From 270' south of Fernwood to the southern corporate limits. From Jefferson to 170' south of Jefferson. From 280' north of Birchwood to 130' south of Crestwood. From Fernwood to the southern corporate limits. From Jefferson to 65' south of Jefferson.
(QQ)	S. Maple Ave.	West side	From W. Jefferson to W. David.
(RR)	N. McArthur Ave.	Both sides	From W. Jackson to Alexander.
(SS)	S. McArthur Ave.	East side	From W. Jefferson to W. David.
(TT)	E. Monroe St.	Both sides North side South side	From N. Illinois to N. Louisiana, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests. From N. Main to N. Illinois. From N. Fourth to N. Illinois, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(UU)	N. Morton Ave.	Both sides Both sides	From Mosiman Ave. to Hyde Park Dr. From Timberline Dr. to Forestview Rd., between 8:00 A.M. and 4:00 P.M. on school days.
(VV)	N. Nebraska Ave.	Both sides	From N. Main to 100' east of N. Main.
(WW)	S. Nebraska Ave.	Both sides Both sides	South of E. Idlewood. From 100' north of E. Crestwood to 100' south of E. Crestwood between 8:00 A.M. and 4:00 P.M. on school days.
(XX)	Penn St.	Both sides	From S. First to Clifton.
(YY)	S. Pershing Ave.	Both sides	From W. Jefferson to end of street.
(ZZ)	W. Pershing St.	North side South side South side	From N. Main to W. Jefferson. From N. Main to 40' west of N. Main. From W. Jefferson to 250' east of W. Jefferson.
(AAA)	S. Plum Ave.	Both sides East side	From W. Adams to W. Washington. From W. Jefferson to W. Adams.
(BBB)	E. Queenwood Rd.	Both sides	

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(CCC)	W. Queenwood Rd.	Both sides	
(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 East side West side	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. 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 South side	From S. Main to S. First. From S. First to S. Seventh. From S. Fourth to 60' east of 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; amd. Ord. 14-16, 7-21-14)			

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. N. Main St.	East side	From 135' north of Jefferson to 40' south of Madison.
4. S. Nebraska Ave.	East side	From E. Jefferson to 100' north of E. Crestwood between 8:00 A.M. to 4:00 P.M. on school days.
5. S. Plum Ave.	West side	From W. Adams to 100' north of W. Adams at any time.
6. S. Third Ave.	West side	From E. Jefferson to E. Adams between 8:00 A.M. and 4:00 P.M. on school days.

<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
7. E. Crestwood St.	Both sides	From S. Nebraska to 100' west of S. Nebraska 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; amd. Ord. 14-16, 7-21-14)

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

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

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

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

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

(A) It shall be unlawful for the driver of a vehicle to park a passenger vehicle for longer than it is necessary to load or unload passengers, and in no event for more than three (3) minutes in any public alley or street, except where parking is otherwise allowed, and in such case, the vehicle may not be parked longer than the permitted time.

(B) It shall be unlawful for the driver to stand any freight-carrying vehicle for a period of time longer than is necessary to load, unload, and deliver materials or freight, but in no event for more than thirty (30) minutes in any public alley or street.

(C) It shall be unlawful to stand any freight-carrying vehicle in any public street or alley or other public way for the purpose of transferring freight or livestock from one vehicle to another. (Ord. 96-2, 5-20-96)

(D) No semitrailer which is not connected to a truck tractor may be parked on any street or in any public right of way or in any public parking lot. A "semitrailer" is defined as every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. Any person violating this Section shall be subject to a fine of twenty five dollars (\$25.00), if paid within seven (7) days of the date of the violation. Said payment shall be made at the police station. In the event payment is not made within said period, the amount of the fine shall be one hundred dollars (\$100.00), and in such case, the Police Department shall file a violation with the Tazewell County Circuit Court. (Ord. 97-31, 11-17-97)

(E) No truck tractors (semi-tractors) as defined in 625 ILCS 5/1-212, and no trucks with tandem axles as defined in 625 ILCS 5/11-204.3, as now in effect or as may be amended from time to time, may be parked on any Village street, other than a truck route where parking is permitted. Truck tractors may be parked when loading or unloading subject to the provisions of paragraph (B) in this section. (Ord. 10-03, 6-7-10)

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

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

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

For violations of 9-6-9(E), the matter may be settled by paying Fifty Dollars (\$50.00) within 14 days of the violation at the police station. Otherwise the penalty in Section 1-4-1 of this code shall apply and an action in court may be filed. (Ord. 80-5, 6-2-80; amd. (Ord. 90-5, 7-2-90; amd. Ord. 01-09, 7-16-01; amd. Ord. 10-03, 6-7-10)

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

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

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

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

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

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

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

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

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

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

10. Construction of on-site access roadways shall be minimized. Temporary access roads utilized for initial installation shall be regraded and re-vegetated to the pre-existing natural condition upon completion of installation, and before the WECS is put into operation.
 11. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least thirty feet (30') above the highest structure or tree within a two hundred fifty foot (250') radius. Modification of this standard may be made when the applicant demonstrates a lower height will not jeopardize the safety of the wind turbine structure.
 12. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the International Building Code and National Electric Code.
 13. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of the rotor and over-speed control design and fabrication shall meet good engineering practices and be certified by the manufacturer.
 14. Noise levels shall be regulated by the Illinois Pollution Control Agency rules and regulations, and the applicant shall certify that applicant's facility is in compliance with the same.
 15. The general height limitations for a zoning district shall not apply to any WECS.
- (D) When a system reaches the end of its useful life and can no longer function, the owner of the system shall remove the system within one hundred twenty (120) days of the day on which the system last functioned. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal. The owner shall mean the owner of the property upon which the WECS is located.
- (E) All WECS shall be maintained in good and operable condition. A WECS that is not functional shall be repaired by the owner or removed. In the event the Village becomes aware of any system that is not operated for a continuous period of three (3) months, the Village will notify the landowner by registered mail and provide forty-five (45) days for a written response. The written response shall include reasons for the operational difficulty, the corrective actions to be performed, and a reasonable timetable for completing the corrective actions. If the Village deems the corrective actions and/or the timetable for completing corrective actions as unfeasible and/or unreasonable, the Village shall notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) days of receiving said notice.
- (F) All WECS shall meet all applicable state and federal safety standards and, where applicable, all federal aviation requirements.
- (G) The Village shall require a certification, by a professional engineer qualified to give such certification, stating the WECS complies with all provisions of this ordinance and all applicable state and federal laws. The owner of the property upon which the WECS is located shall pay an annual fee of fifty dollars (\$50.00).
- (H) In addition to general conditions that apply to any special use request, the following shall also be applied and considered:
1. The height of the system relative to the size of the parcel on which the system is proposed to be located;
 2. The need for the proposed height of the system in order to allow the system to operate effectively;

3. The visual impact of the system on adjacent properties and the general area in which the system is proposed to be located;
4. The building density of the general area in which the system is proposed to be located;
5. Whether a substantial adverse effect on public safety will result from the height of the system or some other aspect of the system's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant.
6. The existing uses on adjacent and nearby properties. (Ord. 07-04, 5-7-07)

10-4-13: **DUMPSTERS:** Dumpsters may be used as follows:

- (A) There shall be no more than one (1) on the property.
- (B) The storage capacity shall not exceed thirty (30) cubic yards.
- (C) The dumpster shall be located as close as practical to the structure and shall not be put on the street or on any right-of-way.
- (D) If the dumpster is being used while the occupant is in the process of moving, it shall not be on the property for more than thirty (30) consecutive days or thirty (30) days in a calendar year.
- (E) If the dumpster is being used in conjunction with the construction, alteration, or renovation of a principle structure, it shall be removed immediately upon completion of the construction, alteration, or renovation. (Ord. 07-41, 10-1-07; amd. Ord. 14-11, 7-7-14)

10-4-14 **PORTABLE STORAGE UNITS:** Portable storage units may be used subject to the following:

- (A) There shall be no more than one (1) portable outdoor storage unit on a property. Stacking of portable outdoor storage units on top of each other is not permissible.
- (B) The property on which the portable storage unit is located must also have a principal building.
- (C) No portable outdoor storage unit shall remain on the property for more than thirty (30) consecutive days or more than a total of thirty (30) days in any calendar year.
- (D) Portable outdoor storage units shall not exceed one hundred twenty eight (128) square feet in size.
- (E) Portable outdoor storage units shall be placed only on a hard surface.
- (F) Portable outdoor storage units shall not be placed in any location that obstructs traffic visibility.
- (G) No permit or permit fee shall be required for any portable outdoor storage unit.
- (H) Portable outdoor storage units shall be maintained in good condition, free from rust, peeling paint, and other forms of visible decay. (Ord. 07-41, 10-1-07)

10-4-15 **SHELTERS/TENTS:** Shelters and tents are permitted if they are not to be used to store or shelter motor vehicles, boats, or any other personal property. (Ord. 07-41, 10-1-07)

CHAPTER 9
SPECIAL RESTRICTIONS

SECTION:

11-9-1: Utility Easements
11-9-2: Building Setbacks

11-9-1: **UTILITY EASEMENTS:**

- (A) There will be a twenty-five foot utility easement adjacent to the Commonwealth Edison Company electric transmission line easement.
- (B) Within the next fifty feet the following applies:
1. Patios, porches, and decks are allowed, but they may not be enclosed or covered. No structure shall exceed the height of 48 inches above the finished floor elevation of the principal structure.
 2. Gardens, flowers, trees, bushes, and other vegetation are allowed provided none of it extends at any point measured vertically into the Commonwealth Edison easement or utility easement.
 3. Landscaping is allowed, but no structures are permitted.
 4. Non-metallic fences are allowed. The fence shall be at least one foot from the Commonwealth Edison easement.
- (C) Pools are not allowed in any easement area.
- (D) Nothing may be constructed or placed in the Commonwealth Edison easement area.
- (E) Any items that are allowable as described in this section shall be subject to all other ordinances or the Village of Morton. (Ord. 80-42, 4-6-81; amd. Ord. 14-13, 7-7-14)

11-9-2: **BUILDING SETBACKS:** On all lots, blocks, and parcels of land near or adjacent to the Commonwealth Edison Company electric transmission line easement, building setback lines are hereby established within at least seventy five feet (75') of either side of the boundary line of said electric transmission line easement. The Board of Trustees may grant a waiver to the setback requirement and may in such case impose additional conditions as they deem appropriate. (Ord. 80-42, 4-6-81; amd. Ord. 94-17, 9-19-94)

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 233 - November 2014
Includes Ordinances: 14-21, 14-22

REMOVE PAGES HEADED

INSERT PAGES HEADED

TITLE 6

6-2-1 CHAPTER 2
GENERAL OFFENCES
(and the following page)

6-2-1 CHAPTER 2
GENERAL OFFENCES
(and the following page)

TITLE 12

12-3-1 CHAPTER 3
EMPLOYEE POLICIES...
(and the following 2 pages)

12-3-1 CHAPTER 3
EMPLOYEE POLICIES...
(and the following 2 pages)

ALPHABETICAL INDEX

-B- BUILDING REGULATIONS

-B- BUILDING REGULATIONS

PREFACE

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

14-21, October 6, 2014

14-22, October 6, 2014

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 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
- 6-2-30: ATV's, Mopeds, Motor Driven Cycles, Off-Highway Motorcycles, and Snowmobiles on Residential Property

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)

A qualifying patient who has a registry identification card or a registered caregiver who does not possess an amount in excess of what is allowed under The Compassionate Use of Medical Cannabis Pilot Program Act is exempt from the above provisions. A qualifying patient and registry identification card are defined in the Act. (Ord. 14-22, 10-6-14)

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
- (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.

CHAPTER 3

EMPLOYEE POLICIES AND BENEFITS

SECTION:

- 12-3-1: Salaries
- 12-3-2: Hours of Employment, Overtime, Holidays, Holiday Pay, And Compensatory Time
- 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
- 12-3-18: Employee Evaluations

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, HOLIDAY PAY, AND COMPENSATORY TIME:**

- (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 compensatory 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 compensatory time shall accrue or be paid for other than as specifically provided in paragraph 1. (amd. Ord. 14-21, 10-6-14)

- (I) Employees other than Department Heads, Superintendents, and those who are members of a bargaining unit shall be entitled to compensatory time, subject to the following:
 - 1. Department heads must approve the taking of compensatory time, and it will be allowed unless it is unduly disruptive to the operation of the Department.
 - 2. Compensation is accrued at the rate of 1.5 hours for every hour worked over 40 per week.
 - 3. Employees are not required to take compensatory time off.
 - 4. Employees may accumulate a maximum of 24 hours of compensatory time (16 actual hours worked) per fiscal year (May 1 - April 30).
 - 5. An employee is required to use all compensatory time he or she has accrued by April 30 following the time it has been earned. Any not taken shall be paid as of April 30. (Ord. 14-21, 10-6-14)

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.

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.

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