

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 234 - January 2015
Includes Ordinances: 14-31, 14-32

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TITLE 10

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(and the rest of the chapter)

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-S- SUBDIVISIONS (cont.)

PREFACE

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

14-31, December 15, 2014

14-32, December 15, 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 Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.

STORY, HALF:	As related to a structure, a basement or cellar level with not more than one-half (1/2) of its height above ground level. As a measurement relating to height limitations of structures other than buildings, half-story shall be seven feet (7').
STREET:	A thoroughfare within the right of way which affords the principal means of access to abutting property. A street may be designated as an avenue, a boulevard, drive, highway, lane, parkway, place, road, thoroughfare, or by other appropriate name.
STRUCTURE:	Anything constructed or erected which requires location on the ground or is attached to something having location on the ground including, but not limited to, buildings, walls, swimming pools, fences, billboards, signs, stadiums, platforms, radio towers, sheds, storage bins, antenna, and surfacing for vehicle parking and any other surfacing. (Ord. 78-31, 3-5-79)
SUPPORTED LIVING FACILITY:	A maximum of four (4) family units may reside in the basement, first floor, and second floor where one (1) or more of the family units requires some form of support or supervision. A family unit is an individual or a married couple, or a descendant of either. (Ord. 14-32, 12-15-14)
SUPPORTED LIVING FACILITY WITH LIMITED COMMERCIAL USE:	A supported living facility in which on the first floor there may be programs, including instructional and actual training with equipment for persons with disabilities. Incidental production of and sale of items produced in conjunction with the training is permissible. (Ord. 14-32, 12-15-14)
SWIMMING POOL:	Any structure, basin, chamber, or tank containing an artificial body of water for swimming or wading, which is dug into the ground or which sits on the ground (including inflatable structures), and which has a depth of two feet (2') or more at any point. Depth shall be the height of the wall. Any device with a filtration system that is used for swimming or wading, regardless of depth, shall be considered a swimming pool and shall be located in the rear yard. For purposes of this definition, lakes and borrow pits shall not be considered basins. (Ord. 96-39, 3-17-97; amd. Ord. 01-25, 10-1-01)
USE:	The specific purpose for which land, a structure, or premises is designed, arranged, intended, or for which it may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.
VARIATION:	A deviation from the regulations or standards adopted by this Title which the Zoning Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property, lot, structure, or premises for which the variance is sought.
WIND ENERGY CONVERSION SYSTEM:	A machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill"). (Ord. 07-04, 5-7-07)
YARD:	An open space on the same zoning lot with a building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Title, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

YARD, FRONT:	A yard extending across the full width of the zoning lot and lying between the front line of the lot and the nearest line of a building. Corner lots with property on two (2) intersecting streets shall provide two (2) front yards to meet the front yard requirements set forth herein. Reverse frontage or through lots having access on two (2) non-intersecting streets shall be required to provide a front yard on only one (1) street that upon which the proposed structure is to front unless both streets providing access serve as fronting streets for adjoining properties, in which case, a front yard shall be provided on both streets providing access.
YARD, REAR:	A yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of the principal building.
YARD, SIDE:	That part of the yard lying between the nearest line of the principal building and a side lot line and extending from the required front yard (or from the front lot line, if there is no required front yard) to the required rear yard.
YARD, LANDSCAPED:	The portion of the front yard a distance in depth as specified herein and right of way upon which the property fronts, or from the edge of the proposed right of way, if the fronting street or street rights of way are less than specified on the Official Map.
ZONING LOT:	See "LOT." (Ord. 78-31, 3-5-79)

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

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

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

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

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

(A) Permitted Uses:

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

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

1. Any use permitted as a special use in the R-1 One-Family and Planned Residential Development District. (Ord. 78-31, 3-5-79)
2. Community activity center. (Ord. 94-13, 8-1-94)
3. Two (2) duplexes on one (1) lot. (Ord. 99-34, 11-1-99)
4. Supported Living Facility (Ord. 14-32, 12-15-14)
5. Supported Living Facility With Limited Commercial Use. (Ord. 14-32, 12-15-14)

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

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

2. Interior lot two (2)-family dwellings hereafter erected or structurally enlarged shall be on a lot of not less than ten thousand (10,000) square feet and not less than one hundred feet (100') width as measured at the building line. Corner lot two (2)-family dwellings shall be on a lot of not less than twelve thousand (12,000) square feet and a minimum width at the building line of one hundred twenty feet (120').
3. The above requirements for lot area shall not apply to planned residential developments which shall meet the requirements of Section 10-5-8 of this Chapter or for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title.
4. For lots where a special use for two (2)- family dwellings has been granted, an interior lot must be twenty thousand (20,000) square feet with not less than one hundred feet (100') width as measured at the building line and a corner lot shall be not less than twenty four thousand (24,000) square feet with a minimum width of one hundred twenty feet (120') as measured at the building line. On either type of lot, duplexes must be at least fourteen feet (14') apart. (Ord. 99-34, 11-1-99)
5. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size. (amd. Ord. 06-19, 7-10-06)

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

1. Front Yard: No building shall be erected without providing or maintaining a front yard of thirty five feet (35') unless the depth of the lot is less than one hundred thirty five feet (135') in which case the front yard shall be no less than twenty five feet (25'). In the event the building is constructed in an established area on one side of the street between two (2) intersecting streets that is improved with buildings that have observed a front yard depth which is less than the thirty five feet (35') or twenty five feet (25') requirement, then in such established districts the front yard depth may be the same as, but no less than, the building immediately adjacent to either side of the proposed building.
2. Side Yard: No building shall be erected or enlarged without providing or maintaining combined side yards of twenty feet (20') or twenty percent (20%) of the lot width as measured at the building line, whichever is less; no single side yard shall be less than seven feet (7').
3. Rear Yard: No building shall be erected or enlarged without providing or maintaining a rear yard of twenty five feet (25').
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.

(a) Front Yard Fences:

- (1) Front Yard Fences on Interior Residential Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted within the front yard. Enclosure fences are not permitted in front yards of interior lots.

- (2) Front Yard Fences on Corner Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted in either front yard. An enclosure fence not exceeding six feet (6') in height is permitted in that front yard which the building does not face, providing such front yard enclosure fence is set back from the property line one-half (1/2) the required front yard distance for that district or ten feet (10'), whichever is greater. It is further required that fences respect obstruction to visibility requirements of 10-4-3(l).
- (b) Side and Rear Yard Fences: Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)
- (E) Building Height: No building hereafter erected or portion of a building structurally enlarged shall exceed the following height limitations, except for these general exceptions to height limitations listed in Section 10-4-3 of this Title:
1. Churches: forty five feet (45') for the main structure.
 2. All other permitted buildings: thirty five feet (35') or two and one-half (2 1/2) stories. (Ord. 78-31, 3-5-79)
- (F) Zero Lot Line Duplex: A duplex of which both dwelling units may be sold separately if:
1. At the time the dwelling units are severed from common ownership, the owner or owners of the two (2) dwelling units have signed an agreement to run with the land, in a form adequate to ensure access for maintenance and providing for maintenance of the walls and driveways or a set of covenants and restrictions are in place to provide for said maintenance. Nothing in this subsection shall be interpreted as permitting the construction of any adjacent buildings using only one wall for both buildings; each building shall have its own wall. The provision with respect to the wall(s) shall apply only to buildings constructed after March 1, 1997.
 2. A resubdivision plat dividing the lot has been approved by the Village Plat Officer prior to recording. A formal subdivision procedure shall not be required.
 3. The duplex otherwise complies with the requirements of the Zoning Code, as amended from time to time. The subdivided lot shall be considered as one lot for purposes of all other provisions of the Zoning Code. A variance for yard requirements may be requested in the same manner as other variances. (Ord. 96-38, 3-17-97; amd. Ord. 03-38, 1-19-04)
- (G) R-2 Lot Conversion: For lots that are initially zoned R-2 as of September 1, 2009 and which have been platted, these lots may be subdivided into two (2) lots subject to the following:
1. Initial lot width must be at least one hundred twenty feet (120') and a subdivided lot must have a minimum width of sixty feet (60') at the building set back line.
 2. The side setbacks may be reduced to a minimum of six feet (6'). Front and rear yard setbacks shall not be reduced.
 3. No more than eighty-five percent (85%) of the platted lots in any subdivision may be subdivided. (amd Ord. 11-07, 6-6-11)
 4. A new plat of the subdivided lots shall be provided, and it shall be in conformity with all Village ordinances. The Plan Director may approve the plat without submission to the Plan Commission or Village Board.
 5. The following size provisions shall apply to any residential unit built on a subdivided lot.

- (a) The living space shall be one thousand two hundred (1,200) square feet for a one-story.
- (b) The living space shall be one thousand five hundred (1,500) square feet with a minimum one thousand (1,000) square feet on the main floor and five hundred (500) square feet on the second floor for a story and one-half.
- (c) The living space shall be a minimum square footage of one thousand eight hundred (1,800) with nine hundred (900) square feet on each floor for a two-story.

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

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

(A) Permitted Uses:

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

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

- 1. Any use permitted as a "special use" in the R-1 One-Family and Planned Residential Development District and in the R-2 Two-Family and Planned Residential Development District.
- 2. Boarding houses or lodging houses.
- 3. Public buildings such as art galleries and libraries.
- 4. Membership clubs and lodges not primarily oriented to services normally carried on as a business or primarily for gain and including dining facilities for the exclusive use of members.

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

- 1. Every interior lot three (3) or four (4)-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred feet (100') and a minimum lot area of thirteen thousand two hundred (13,200) square feet.
- 2. Every corner lot three (3) or four (4)-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred twenty feet (120') and a minimum lot area of fifteen thousand eight hundred forty (15,840) square feet.
- 3. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size. (amd. Ord. 06-19, 7-10-06)

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

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

(a) Front Yard Fences:

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

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

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

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

(A) Permitted Uses:

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

2. Multi-family dwellings and apartments.

- (B) Special Uses: Any use permitted as a "special use" in the R-1 One-Family and Planned Residential Development District, in the R-2 Two-Family and Planned Residential Development District, and in the R-3 Three or Four-Family and Planned Residential Development District.
- (C) Required Lot Area and Lot Width: Except for planned residential developments which shall meet the requirements of Section 10-5-8 of this Chapter and for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title, the following lot area requirements shall apply:
1. Every interior lot multi-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred feet (100') and a minimum lot area of the greater of: a) thirteen thousand two hundred (13,200) square feet, or b) two thousand two hundred (2,200) square feet per dwelling unit.
 2. Every corner lot multi-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred twenty feet (120') and a minimum lot area of the greater of a) fifteen thousand eight hundred forty (15,840) square feet, or b) two thousand two hundred (2,200) square feet per dwelling unit.
 3. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size.
(amd. Ord. 06-19, 7-10-06)
- (D) Required Yard Area: Every building hereafter erected or structurally enlarged shall provide or maintain the following minimum yard requirements, except for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title, and except for those general exceptions to yard requirements as outlined in Section 10-4-3 of this Title:
1. Front Yard: No building shall be erected without providing or maintaining a front yard of thirty-five feet (35') unless the depth of the lot is less than one hundred thirty-five feet (135'), in which case the front yard shall be no less than twenty-five feet (25'). In the event the building is constructed in an established area on one side of the street between two (2) intersecting streets that is improved with buildings that have observed a front yard depth which is less than the thirty-five feet (35') or twenty-five feet (25') requirement, then in such established districts, the front yard depth may be the same as, but not less than, the building immediately adjacent to either side of the proposed building.
 2. Side Yard: No building shall be erected without providing or maintaining combined side yards of twenty feet (20'), and a minimum individual side yard of seven feet (7') for buildings or structures up to twenty feet (20') in height. Buildings or structures over twenty feet (20') in height up to forty-five feet (45') in height shall require a minimum individual side yard of fifteen feet (15').
 3. Rear Yard: No building shall be erected without providing or maintaining a rear yard of twenty-five feet (25').
 4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
 - (a) Front Yard Fences:

- (1) Front Yard Fences on Interior Residential Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted within the front yard. Enclosure fences are not permitted in front yards of interior lots.
 - (2) Front Yard Fences on Corner Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted in either front yard. An enclosure fence not exceeding six feet (6') in height is permitted in that front yard which the building does not face, providing such front yard enclosure fence is set back from the property line one-half (1/2) the required front yard distance for that district or ten feet (10'), whichever is greater. It is further required that fences respect obstruction to visibility requirements of 10-4-3(l).
- (b) Side and Rear Yard Fences: Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)

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

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

- (A) Permitted Uses: Manufactured homes and mobile home courts meeting the following requirements: (Ord. 78-31, 3-5-79; amd. Ord. 82-8, 8-2-82; amd. Ord. 98-45, 3-15-99; 03-44, 03-15-04)
1. Frost protected connections to the Municipal water and sewer facilities and stormwater drainage, all approved by the Village Engineer;
 2. Electrical outlets and ground connections, all approved by the Village Engineer;
 3. Black top or concrete surface driveway not less than eighteen feet (18') in width providing access to each site and one (1) parking space for each site in addition to the driveway;
 4. A minimum individual mobile home site size of not less than five thousand (5,000) square feet, and a width of not less than fifty feet (50'); and
 5. Each mobile home to be accommodated is equipped with sanitary facilities and connected to Village sanitary system.
- (B) Required Lot Area: Each mobile home court shall have an area of not less than ten (10) acres and an average density of mobile home lots of not more than eight (8) per acre.
- (C) Yards Required: All mobile home courts shall provide lots sufficient to maintain the following minimum requirements:
1. No mobile home or any structure, addition, or appurtenance thereto is located less than ten feet (10') from the nearest adjacent lot boundary line.
 2. Space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least ten feet (10') from the nearest adjacent lot.
- (D) All mobile home courts shall be screened from public view by landscape screening as defined in Section 10-2-1 of this Title before a permit for occupancy is issued.

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

- (A) Purpose: The Village of Morton, being confronted with increased urbanization and acknowledging that the technology of land development and demand for housing are undergoing substantial changes, establishes the planned residential development procedure for the following purposes, except as provided in subparagraph O: (amd. 03-44, 03-15-04; amd. Ord. 07-38, 10-01-07)
1. To encourage innovations in residential development so that the demands for housing may be met by greater variety in type, design, and arrangement of dwellings and conservation space.
 2. To encourage types of housing developments providing greater opportunities for better housing and recreation to all citizens of the Village.
 3. To provide a procedure which can relate the type, design, and layout of residential development to the particular site and the particular demand for housing at the time of development in a manner consistent with the preservation of the property values in the residential districts.
 4. To provide variety and flexibility in land development necessary to meet changes in technology and demand, consistent with the best interests of the Village.
 5. To provide for more efficient allocation and maintenance of open space subordinate to new residential development through private initiative.
 6. To provide for the more efficient use of those public facilities required in connection with new residential development.

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

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

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

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

- (C) Minimum Area For Planned Residential Development: No Planned Residential Development shall be permitted for a property smaller than three and one-half (3.5) acres. For developments from three and one-half (3.5) acres to less than five (5) acres, the additional provisions of subparagraph (O) shall apply. (Ord. 92-11, 8-17-92; amd. Ord. 07-38, 10-01-07)
- (D) Standards And Criteria Of Common Open Space: A plan that is not inconsistent with 1) the foregoing statement of purpose of planned residential developments; 2) the general standard as set out hereafter; or 3) the specific rules and regulations for planned residential development approval then in force, shall be deemed to be eligible for review for tentative approval, except as provided in subparagraph O. (amd. Ord. 07-38, 10-01-07)

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

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

(c) Computing Allowable Dwelling Densities: For purposes of estimating allowable numbers of dwellings under the appropriate zoning districts, or the extent by which that number can be increased through planned residential development, the following shall be the basis which shall rule to determine number of dwelling units/gross acres of land. These factors shall be applied to total project acreage in the appropriate zone less the acreage for proposed major or collector streets:

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

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

(E) Amount And Location Of Common Open Space: In each planned residential development, fifteen percent (15%) of the tract, but in no case less than one and one-half (1 1/2) acres, shall be provided for common open space, except as provided in subparagraph O. (Ord. 92-11, 8-17-92; amd. Ord. 07-38, 10-01-07)

(F) Plan To Be Guaranteed By Covenants And Easements: The plan of the planned residential development may be accompanied by such proposed covenants, easements, and other provisions relating to the bulk, location, and density of the residential units, the provision of open space and public facilities as are necessary for the welfare of the planned residential development and not inconsistent with the best interests of the community.

(G) Subdivision Regulations May Be Varied In A Planned Residential Development: The planned residential development may vary from the required standards for the arrangement and width of streets (but not quality of construction), provision and location of sidewalks and layout of parking areas (but not reduced requirement of parking spaces) and deviation from Village standards in street signs, street lighting, and other such improvements to comply with the character of the proposed development where it is found by the Planning Commission that adherence to such standards are not in the best interests of the residents of the planned residential development and that the modifications or variation from such regulations are not inconsistent with the best interests of the Village.¹

(H) Application For Tentative Approval Of Planned Residential Development:

1. Plan Commission May Establish Additional Rules For Review Of Planned Residential Developments: The Plan Commission may make such additional written general rules regarding general procedure and form of applications as it may determine, provided they are not inconsistent herewith.
2. Filing Fee For Tentative Planned Residential Development Approval: The application for tentative approval shall be executed by or on behalf of the landowner and filed in duplicate with the Zoning Enforcing Officer accompanied by the appropriate filing fee payable to the Village of Morton. Said filing fee shall be used to partially defray the cost of the public hearing and any professional assistance utilized by the community in the review of the proposed project.²

¹ Title 11 of the Morton Municipal Code.

² Section 10-11-9 of this Title.

3. The Application For Tentative Approval Of A Planned Residential Development Shall Be Accompanied By The Following Materials:

- (a) A boundary survey including a written legal description of the exact acreage for which the planned residential development is being proposed. Such map shall be at a scale of not smaller than two hundred feet to the inch (1" = 200') and prepared by a registered land surveyor or civil engineer.
- (b) Topography and physical conditions map including two foot (2') contours, vegetation, drainage channels, unusable area due to soil conditions, drainage, etc., at a scale of not smaller than two hundred feet to the inch (1" = 200').
- (c) A preliminary plan for the proposed project indicating: 1) the various major areas of the project for which varying types and densities of dwellings are proposed; 2) any proposed major traffic-carrying streets within the project area; 3) sites to be reserved for public open space, schools, parks, playgrounds, and churches; and 4) indication of directions of flow of storm drainage within, and at the points leaving the site and likely nearest connections to public sewer and water.
- (d) A written report stating in detail the developer's intention in regard to development of the site including: 1) a written description of the type and number of dwelling units contemplated and the method of computing maximum allowable units; 2) projected resultant population; 3) expected number of elementary school children; 4) for projects for which development will occur over a period of years, a schedule showing the sequence of phases and the point in this phase-by-phase development progression at which common open space will be developed and committed to permanent open space use; and 5) a listing of the modifications to the existing zoning and subdivision standards otherwise applicable to the site.

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

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

- 1. All applicable provisions of this planned residential section of the Morton Zoning Ordinance have been met. Where there is any conflict of the planned development regulations with any other requirements of this Ordinance or the Subdivision Ordinance,¹ these regulations shall apply.
- 2. Road system and proposed method of disposing of sanitary sewage and storm drainage, and the provision of water supply are adequate.
- 3. Adequate provision has been made for open space areas, walkways, and parking areas.
- 4. The location of open space is well suited to the development and the open space or recreational uses it is to serve.

¹ Title 11 of the Morton Municipal Code.

5. The applicant has indicated the method to be used to assure those areas shown on the plan will be irrevocably committed for the purpose that continuing maintenance will be assured by the method of ownership.
6. Adequate provisions will be made to guarantee the proposed development of the open space.
7. The cost of installing streets and utilities will be assured by a means satisfactory to the Village.

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

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

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

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

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

6. In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect the interests of the public and the residents of the planned residential development in the integrity of the plan.

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

(M) **Status Of Plan After Tentative Approval:**

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

(N) **Final Plan/Final Plats:**

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

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

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

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

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

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

(O) Planned Residential Development 2:

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

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

¹ See Title 11 of the Morton Municipal Code.

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

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

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

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

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

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

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

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

- (A) All regular, full-time employees of Public Works Department who are regularly scheduled to be "on-call" as a part of their job and all regular, full-time paramedics shall reside within ten (10) miles of Village Hall, located at 120 North Main Street, but within Tazewell County, except as otherwise provided for herein. For the purpose of this policy, the ten (10) mile limit shall include the corporate limits of the City of Pekin and the Village of Deer Creek.
- (B) Employees of the Gas Distribution Department and the Water Distribution Department shall reside within seven (7) miles of Village Hall, located at 120 North Main Street, but within Tazewell County, except for employees who are transferred in the best interest of the Village between departments at the request of the Director of Public Works, with the approval of the Board of Trustees.
- (C) While "on-call," employees of the Public Works Department, other than employees of the Gas Distribution Department and the Water Distribution Department, shall remain within ten (10) miles of Village Hall, located at 120 North Main Street, but within Tazewell County, or within the corporate limits of the City of Pekin or the Village of Deer Creek. While "on-call," employees of the Gas Distribution Department and the Water Distribution Department shall remain within seven (7) miles of Village Hall, located at 120 North Main Street, but within Tazewell County, except for employees who are transferred in the best interest of the Village between departments at the request of the Director of Public Works, with the approval of the Board of Trustees.
- (D) The following employees shall be required to reside within the corporate limits of the Village of Morton: Director of Fire and Emergency Services, Superintendent of Public Works, Superintendent of Streets, Superintendent of Gas Distribution Department, Superintendent of The Wastewater Treatment Department, Superintendent of The Water Distribution Department, Superintendent of The Water Treatment Department, and Zoning Enforcing Officer.
- (E) Residency requirements for employees covered under collective bargaining agreements shall be as provided for in those agreements.
- (F) Residency shall not be a requirement to be considered for employment or to be hired; however, new employees who are not in compliance with the provisions of this policy at the time of hire shall establish residency as provided for herein within one (1) calendar year of their date of hire. The Village President is hereby authorized to extend this time period due to personal hardship at his or her sole discretion. Such residency shall be maintained continuously during the term of employment.
- (G) Any employee who fails to establish or maintain residency as provided for herein shall have his or her employment with the Village terminated. (Ord. 07-07, 6-4-07; amd. Ord. 07-29, 9-4-07; amd. Ord. 11-31, 1-3-12; amd. Ord. 14-31, 12-15-14)

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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:

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

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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	Fifteen (15)
Class B-3	One (1)
Class C	One (1)
Class D	Two (2)
Class E	Nine (9)
Class F	No specific limit
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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; amd. Ord. 14-35, 3-2-15)

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.

CHAPTER 15

MIXED-USE ZONING DISTRICT

SECTION:

10-15-1:	Purpose
10-15-2:	Permitted Uses
10-15-3:	Special Use For Mixed Use
10-15-4:	Mixed Uses/Residential
10-15-5:	Special Conditions
10-15-6:	General Requirements
10-15-7:	Green Space
10-15-8:	Building Materials
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10-15-10:	Signs
10-15-11:	Parking
10-15-12:	Applicability

10-15-1: **PURPOSE:** The purpose of the downtown mixed-use overlay district is to accommodate retail, service, and office including mixed uses that enhance and revitalize the downtown area.

10-15-2: **PERMITTED USES:**

(A) Permitted Uses:

1. Home, regional, district, and branch offices not to include trucking, manufacturing, or advertising signs or displays.
2. Offices for educational, fraternal, professional, and religious organizations.
3. Real estate and insurance company offices.
4. Offices of doctors, dentists, lawyers, architects, engineers, and similar professions.
5. Offices for governmental agencies.
6. Medical and dental clinics, excluding animal clinics or animal hospitals.
7. Barber and beauty shops.
8. Churches, convents, and monasteries.
9. Banks, savings and loans, and other financial institutions.
10. Book and stationary stores.
11. Camera and photographic supply stores.
12. Candy and ice cream stores, including stores where commodities are produced on premises for sale exclusively on the premises.
13. Carpet and rug stores.

14. China and glassware stores.
15. Department stores.
16. Drugstores.
17. Dry cleaning and laundry pick-up stations.
18. Dry goods stores.
19. Electric and household appliance stores, including radio and television sales and repair.
20. Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.
21. Garden supply stores.
22. Gift shops.
23. Haberdashery.
24. Hardware stores.
25. Hobby shops for retail of items to be assembled or used away from the premises.
26. Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
27. Jewelry stores, including watch repairs.
28. Laboratories, medical, and dental research and testing.
29. Leather goods and luggage stores.
30. Libraries and reading rooms.
31. Liquor, beer, and wine outlets.
32. Musical instruments, sales, and repair facilities.
33. Office supply stores.
34. Paint and wallpaper stores.
35. Pet stores, but not including outdoor kennels or runways.
36. Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises.
37. Public meeting halls.
38. Restaurants, tea rooms, and taverns or similar establishments serving alcoholic liquors with an outdoor eating, drinking or seating area. Drive-in restaurants where food is provided to customers in cars are not permitted.
39. Sales and display rooms.

- 40. Shoe stores and shoe repair.
- 41. Sporting goods stores.
- 42. Supermarkets and retail food stores.
- 43. Tailor or dressmaking shops.
- 44. Telegraph, telephone, or utility offices.
- 45. Theaters (not drive-ins).
- 46. Toy shops.
- 47. Variety shops.
- 48. Bed and breakfast establishments.

10-15-3: **SPECIAL USE FOR MIXED USE:** All mixed uses will be special use, and coordinated with permitted uses.

10-15-4: **MIXED USES/RESIDENTIAL:**

- (A) Residential uses on the second floor or additional floors provided the first floor is retail or office use.
- (B) Residential uses on main floor provided sixty percent (60%) of main floor is used for retail, office or service and residential space is a minimum of 800 square feet. Street or building frontage must be devoted to the retail component with residence behind.

10-15-5: **SPECIAL CONDITIONS:**

- (A) There shall be no outside storage of goods, materials, or products. This does not prohibit the display of merchandise for sale.
- (B) Drive throughs are prohibited except for banking facilities.
- (C) All building permit applications are subject to site plan review.
- (D) All provisions in the zoning code apply unless there is a specific provision in this chapter to the contrary.

10-15-6: **GENERAL REQUIREMENTS:**

Lot Coverage:

- (A) Minimum lot area per dwelling unit shall be one thousand (1,000) square feet for mixed-use buildings and one thousand five hundred (1,500) square feet for all other.
- (B) Minimum Requirements:
 Front: Zero (0) lot line minimum and no greater than ten feet (10').
 Side: Zero (0) lot line minimum and no greater than twelve feet (12').
 Rear: Ten feet (10') minimum.
 Height: No greater than three stories or forty feet (40').

10-15-7: **GREEN SPACE:** One of the primary aspects of mixed-use zoning is to allow greater density, while emphasizing existing community positives such as walking, bicycling, and alternative modes of travel. To maximize space and use, the mixed-use overlay district requires zero green space.

10-15-8: **BUILDING MATERIALS:** Materials used for construction, rehabilitation, and remodel must all be consistent with the standards and requirements of the respective properties as found in Sec. 10-4-6-9 'Decorative Masonry'.

10-15-9: **STREET TRAVEL TRANSPARENCY:** Non-residential buildings facing a street, will be at least thirty five percent (35%) transparent at street level allowing pedestrian viewing and daylight inside. Upper levels facing the street are encouraged to maximize windows wherever possible.

10-15-10 **SIGNS:** As per Sec. 10-9-6 'Sign Regulations Within Business Districts'.

10-15-11 **PARKING:** The design intent of mixed-use development is to encourage pedestrian and alternative methods of transportation. New mixed-use development shall maintain a one-to-one ratio of reserved parking for each residential unit offered in the development or site.

10-15-12 **APPLICABILITY:** Any property which is zoned B-1 or B-2 and is located in the mixed-use area as reflected in the map at the end of this ordinance is eligible for a special use as provided in this chapter.

(Ord. 14-34, 3-2-15)

11-2-2: **ENFORCEMENT:**

- (A) No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before a plat of said subdivision has been approved by the Village Board and filed with the Tazewell County Recorder of Deeds.
- (B) The subdivision of any lot or any parcel of land by the use of metes and bounds description with the intent of evading this title, for the purpose of sale, transfer, or lease shall be subject to all of the requirements and regulations contained in this Title.
- (C) No building permit shall be issued for the construction of any building located on a lot or plot subdivided or sold in violation of the regulations of this Code.
- (D) No preliminary or final plat shall be approved which does not comply with all applicable provisions of this Title.

11-2-3: **INVALID PLATS:** No plat of any subdivision shall be valid or entitled to record unless and until the same has been approved by the Village Board in accordance with the procedure hereinafter provided, and no plat of a subdivision shall be approved without compliance with the standards of design and specifications for improvement required herein.

11-2-4: **UNLAWFUL DIVISION:** From and after the effective date of this Title, no lot or tract of land located within the Village or within the area of jurisdiction of the Village shall be subdivided without complying with this Title and the Illinois Revised Statutes.

It is unlawful for the preparer of a deed and the grantor on the deed to convey property, which violates the Illinois Plat Act as now in force or as may from time to time be amended, or which creates a parcel of land that is non-conforming under the ordinances of the Village of Morton. (amd. Ord. 14-33, 1-19-15)

11-2-5: **BUILDING WITHIN PROPOSED STREET EXTENSIONS:** No permanent building or structure or permanent improvement of any type shall be erected within the extension of street right of way indicated on the Official Map of the Village. Such extensions are for the purpose of regulating the traffic flow within the Village in accordance with the best interests of public health, safety, and general welfare. (Ord. 80-42, 4-6-81)

11-2-6: **ENGINEERING AND INSPECTION FEES:** An hourly engineering fee to be set from time to time by the Village Board shall be paid to the Village to defray the cost of reviewing and approving plans and specifications for public improvement and the on site inspection of construction of said public improvements by the Village Engineer. These fees shall be borne by the subdivider (developer), and shall be paid in the following manner: (amd. Ord. 06-38, 2-19-07)

- (A) After the preliminary plat is approved, the subdivider (developer) shall deposit the sum of one thousand dollars (\$1000.00) with the Village. Said deposit shall be for the review of construction plans. (Ord. 04-53, 3-7-05; amd. Ord. 06-38, 2-19-07)
- (B) At such time as the construction plans have been approved, or are disapproved because the subdivider (developer) has failed to make the necessary corrections to same, the subdivider (developer) shall reimburse the Village for all engineering fees accrued to date. The aforesaid deposit shall be credited to the subdivider (developer) for said fees. (amd. Ord. 06-38, 2-19-07)
- (C) The engineering fees expected to be incurred during the inspection phase shall be paid to the Village prior to or contemporaneous with the acceptance of the final plat. Said inspection fees shall be based on a minimum of three dollars (\$3.00) per center line foot of streets and two dollars (\$2.00) per lineal foot for sewer lines outside of streets. (Ord. 89-4, 6-19-89; amd. Ord. 99-54, 4-17-00; amd. Ord. 02-36, 3-17-03; amd. Ord. 04-53, 3-7-05; amd. Ord. 06-38, 2-19-07)

11-2-7: VARIATIONS:

(A) **Hardships:** Where the Plan Commission finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, the Commission may deviate from strict compliance with these regulations so that substantial justice may be done and the public interest secured; provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Title; and further provided the Commission shall not recommend variations or exceptions to the regulations of this Title unless it shall make findings based upon the evidence presented in each specific case that:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result if the strict interpretation of the regulations were carried out;
2. The granting of the variation will not be detrimental to public health, safety, or general welfare or injurious to other property or improvements in the neighborhood in which the property is located.

(B) **Conditions:** In its recommendations on variations and exceptions, the Commission may require conditions that will substantially secure the objectives of this Title.

11-2-8: AMENDMENTS: The Plan Commission shall from time to time prepare and recommend in writing to the Village Board such changes or additions to the provisions and regulations herein contained for subdivision control as it may deem necessary or advisable. Such changes or additions shall become effective after their adoption by the Board by the passage of an amendment to this Title.

11-2-9: PENALTIES: Any person who shall violate any of the provisions of this Title shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each violation, and each day such violation is permitted to exist shall constitute a separate offense. (Ord. 80-42, 4-6-81; amd. Ord. 99-37, 12-6-99)

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Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 236 - May 2015
Includes Ordinances: 14-39, 15-01

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TITLE 10

10-15-1 CHAPTER 15
MIXED-USE ZONING DISTRICT
(and the following page)

INSERT PAGES HEADED

3-8-6 LIMITATION ON NUMBER:

10-15-1 CHAPTER 15
MIXED-USE ZONING DISTRICT
(and the following page)

PREFACE

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

14-39, May 4, 2015

15-01, May 18, 2015

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

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

Class A-1	Zero (0)
Class A-2	Four (4)
Class A-3	Zero (0)
Class A-4	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	Seven (7)
Class F	No specific limit
Class G	Zero (0)
Class H	No specific limit
Class I	Zero (0)

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

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.

CHAPTER 15

MIXED-USE ZONING DISTRICT

SECTION:

10-15-1:	Purpose
10-15-2:	Permitted Uses
10-15-3:	Special Use For Mixed Use
10-15-4:	Mixed Uses/Residential
10-15-5:	Special Conditions
10-15-6:	General Requirements
10-15-7:	Green Space
10-15-8:	Building Materials
10-15-9:	Street Travel Transparency
10-15-10:	Signs
10-15-11:	Parking
10-15-12:	Applicability
10-15-13:	Storm Water

10-15-1: **PURPOSE:** The purpose of the downtown mixed-use overlay district is to accommodate retail, service, and office including mixed uses that enhance and revitalize the downtown area.

10-15-2: **PERMITTED USES:**

(A) Permitted Uses:

1. Home, regional, district, and branch offices not to include trucking, manufacturing, or advertising signs or displays.
2. Offices for educational, fraternal, professional, and religious organizations.
3. Real estate and insurance company offices.
4. Offices of doctors, dentists, lawyers, architects, engineers, and similar professions.
5. Offices for governmental agencies.
6. Medical and dental clinics, excluding animal clinics or animal hospitals.
7. Barber and beauty shops.
8. Churches, convents, and monasteries.
9. Banks, savings and loans, and other financial institutions.
10. Book and stationary stores.
11. Camera and photographic supply stores.
12. Candy and ice cream stores, including stores where commodities are produced on premises for sale exclusively on the premises.

13. Carpet and rug stores.
14. China and glassware stores.
15. Department stores.
16. Drugstores.
17. Dry cleaning and laundry pick-up stations.
18. Dry goods stores.
19. Electric and household appliance stores, including radio and television sales and repair.
20. Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.
21. Garden supply stores.
22. Gift shops.
23. Haberdashery.
24. Hardware stores.
25. Hobby shops for retail of items to be assembled or used away from the premises.
26. Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
27. Jewelry stores, including watch repairs.
28. Laboratories, medical, and dental research and testing.
29. Leather goods and luggage stores.
30. Libraries and reading rooms.
31. Liquor, beer, and wine outlets.
32. Musical instruments, sales, and repair facilities.
33. Office supply stores.
34. Paint and wallpaper stores.
35. Pet stores, but not including outdoor kennels or runways.
36. Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises.
37. Public meeting halls.
38. Restaurants, tea rooms, and taverns or similar establishments serving alcoholic liquors with an outdoor eating, drinking or seating area. Drive-in restaurants where food is provided to customers in cars are not permitted.

- 39. Sales and display rooms.
- 40. Shoe stores and shoe repair.
- 41. Sporting goods stores.
- 42. Supermarkets and retail food stores.
- 43. Tailor or dressmaking shops.
- 44. Telegraph, telephone, or utility offices.
- 45. Theaters (not drive-ins).
- 46. Toy shops.
- 47. Variety shops.
- 48. Bed and breakfast establishments.

10-15-3: **SPECIAL USE FOR MIXED USE:** All mixed uses will be special use, and coordinated with permitted uses.

10-15-4: **MIXED USES/RESIDENTIAL:**

- (A) Residential uses on the second floor or additional floors provided the first floor is retail or office use.
- (B) Residential uses on main floor provided sixty percent (60%) of main floor is used for retail, office or service and residential space is a minimum of 800 square feet. Street or building frontage must be devoted to the retail component with residence behind.

10-15-5: **SPECIAL CONDITIONS:**

- (A) There shall be no outside storage of goods, materials, or products. This does not prohibit the display of merchandise for sale.
- (B) Drive throughs are prohibited except for banking facilities.
- (C) All building permit applications are subject to site plan review.
- (D) All provisions in the zoning code apply unless there is a specific provision in this chapter to the contrary.

10-15-6: **GENERAL REQUIREMENTS:**

Lot Coverage:

- (A) Minimum lot area per dwelling unit shall be one thousand (1,000) square feet for mixed-use buildings and one thousand five hundred (1,500) square feet for all other.

(B) Minimum Requirements For Building And Pavement:

Front: Fifteen feet (15') minimum of sidewalk from back of curb to building. If in the event there is less than ten feet (10') of right-of-way, the property owner will donate the difference to achieve the required ten feet (10').

Side: Seven feet six inches (7' 6") minimum.

Rear: Six feet (6') minimum.

Pavement: Six feet (6') minimum on front, rear, and side.

Height: No greater than three stories or forty feet (40').

10-15-7: **GREEN SPACE:** One of the primary aspects of mixed-use zoning is to allow greater density, while emphasizing existing community positives such as walking, bicycling, and alternative modes of travel. To maximize space and use, the mixed-use overlay district requires zero green space.

10-15-8: **BUILDING MATERIALS:** Materials used for construction, rehabilitation, and remodel must all be consistent with the standards and requirements of the respective properties as found in Sec. 10-4-6-9 'Decorative Masonry'.

10-15-9: **STREET TRAVEL TRANSPARENCY:** Non-residential buildings facing a street, will be at least thirty five percent (35%) transparent at street level allowing pedestrian viewing and daylight inside. Upper levels facing the street are encouraged to maximize windows wherever possible.

10-15-10 **SIGNS:** As required per Sec. 10-9-6 (Sign Regulations Within Business Districts).

10-15-11 **PARKING:** The design intent of mixed-use development is to encourage pedestrian and alternative methods of transportation. New mixed-use development shall maintain a one-to-one ratio of reserved parking for each residential unit offered in the development or site.

10-15-12 **APPLICABILITY:** Any property which is zoned B-1 or B-2 and is located in the mixed-use area as reflected in the map at the end of this ordinance is eligible for a special use as provided in this chapter.

10-15-13 **STORM WATER:** As required per Sec. 10-4-6 (Site Plan Review).

(Ord. 14-34, 3-2-15; amd. Ord. 14-39, 5-4-15)

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 237 - July 2015
Includes Ordinances: 15-02, 15-03, 15-04

REMOVE PAGES HEADED

INSERT PAGES HEADED

TITLE 10

10-9-6 1. They are allowable...

10-9-6 1. They are allowable...

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

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

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12-3-2 (B) If an employee other than...

ALPHABETICAL INDEX

-I- INDECENCY, PUBLIC...

-I- INDECENCY, PUBLIC...

PREFACE

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

15-02, June 1, 2015

15-03, June 1, 2015

15-04, July 6, 2015

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.

1. They are allowable on a property which is adjacent to the property for which the advertising sign pertains to, provided the property which the advertising sign is placed on has frontage on a public street, and further provided that there is an easement for ingress and egress over the property fronting the street to the adjacent property. This exception applies only in the case where the property for which the advertising sign pertains to, does not have any street frontage.
2. The allowable sign area for all free standing signs shall not be increased as a result of the allowance of an advertising sign. (Ord. 04-42, 12-6-04)

(B) Business Signs In B-1 Districts: In B-1 Districts, business signs are permitted subject to the following conditions:

1. Area Of Attached And Free-Standing Business Signs: The gross area in square feet of all signs attached to the wall of a building shall not exceed fifteen percent (15%) of the wall area to which they are attached or of which they are a part. The gross area of all free-standing signs shall not exceed one (1) square foot of area per each lineal foot of frontage on the zoning lot.
2. Height: No sign shall exceed twenty feet (20') in height and shall in no case extend above the roof line.
3. Integrated Retail And Office Buildings Or Complexes: For integrated retail and office building complexes with more than one (1) building in single ownership or under unified control, one (1) additional free-standing business sign other than those provided for in the B-1 District above shall be permitted subject to the following:
 - (a) Content: Such signs shall indicate only the name and location of such center and the name and type of business of each occupant of the center.
 - (b) Area: The gross area of the additional sign shall not exceed one (1) square foot per each lineal foot of frontage and in no case more than one hundred fifty (150) square feet.
 - (c) Height: Such additional free-standing sign shall not exceed twenty feet (20') in height above the curb level.

(C) Business Signs In B-2 And B-3 Districts: In B-2 and B-3 Districts, business signs are permitted subject to the following conditions:

1. Sign Area For Attached Business Signs: The gross area in square feet of all attached signs shall not exceed twenty five percent (25%) of the wall area to which they are attached or of which they are a part.
2. Sign Area For Free-Standing Business Signs: The gross area in square feet of all free-standing business signs shall not exceed one (1) square foot per each lineal foot of frontage of the zoning lot.
3. Height: No attached business sign shall extend above the roof line. No free-standing business sign shall exceed thirty feet (30') in height above the curb line. (amd. Ord. 15-03, 6-1-15)

4. Integrated Retail And Office Buildings Or Complexes: For integrated retail and office buildings or complexes with more than one (1) building in single ownership or under unified control, one (1) additional free-standing business sign, other than those provided for in B-2 and B-3 Districts above, shall be permitted subject to the following:

- (a) Content: Such signs shall advertise only the name and location of such center and the name and type of business of each occupant of the center.
- (b) Area: The gross area of all signs shall not exceed one (1) square foot per lineal foot of frontage and in no case more than three hundred (300) square feet.
- (c) Height: Such additional free-standing sign shall not exceed thirty feet (30') in height above the curb level.

(D) Advertising Signs In B-2 And B-3 Districts: Advertising signs in B-2 and B-3 districts are prohibited. (Ord. 99-21, 9-7-99)

(E) "For Sale" Or "For Rent" Signs Within Business Districts: There shall be no more than one (1) sign per zoning lot, except that on a corner lot, one (1) sign shall be permitted on each street side. The sign area shall not exceed sixty four (64) square feet nor shall the sign exceed seven feet (7') in height.

(F) One (1) construction sign not exceeding thirty two (32) square feet is permitted for a time period no longer than necessary to complete the activity to which it refers. If the sign refers to more than one (1) activity, then the activity completed last shall apply with respect to the time the sign may exist. (Ord. 07-31, 9-4-07)

10-9-7: **SIGN REGULATIONS WITHIN INDUSTRIAL DISTRICTS:** The following sign regulations shall pertain to business and advertising signs within industrial districts:

(A) Business signs in I-1 and I-2 Districts are permitted subject to the following conditions:

- 1. Sign Area For Attached Business Signs: The gross area in square feet of all attached business signs shall not exceed twenty five percent (25%) of the wall area to which they are attached or of which they are a part.
- 2. Sign Area For Free-Standing Business Signs: The gross area in square feet for a free-standing business sign shall not exceed three hundred (300) square feet per sign face.
- 3. Height: No attached business sign shall extend above the roof line. No free-standing business sign shall project higher than thirty five feet (35') above the curb level.

(B) Advertising signs in the I-1 and I-2 Industrial Districts are permitted subject to the following conditions. (Ord. 99-21, 9-7-99)

- 1. The maximum area for any one (1) sign facing shall be one hundred fifty (150) square feet, inclusive of any border and trim, but excluding the base or apron, supports, and other structural members. The maximum area permitted for advertising signs attached to a wall is limited to twenty five percent (25%) of the surface of the walls which they are attached or of which they are a part.
- 2. Height: No advertising sign may exceed thirty-five feet (35') in height.
- 3. No advertising sign may be attached to the roof of a structure.

- (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. 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; amd. Ord. 15-04)
 - (h) To permit more than one (1) driveway per residential lot.
 - (i) To permit a nonconforming building to be structurally altered or reconstructed within its bounding walls to an extent exceeding in aggregate cost twenty five percent (25%) of its fair market value including land value. (Ord. 81-28, 11-16-81)

¹ See Chapter 9 of this Title.

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

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

(D) Appeals Procedure:

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

- (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) 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)

(H) 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; amd. Ord. 15-02, 6-1-15)

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)

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Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 238 - September 2015
Includes Ordinances: 15-07, 15-09

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TITLE 3

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TITLE 6

6-2-8.1 (B) Any store, place, or premises...

INSERT PAGES HEADED

3-8-6 LIMITATION ON NUMBER:

6-2-8.1 (B) Any store, place, or premises...

PREFACE

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

15-07, August 3, 2015

15-09, September 8, 2015

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

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

Class A-1	Zero (0)
Class A-2	Five (5)
Class A-3	Zero (0)
Class A-4	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	Seven (7)
Class F	No specific limit
Class G	Zero (0)
Class H	No specific limit
Class I	Zero (0)

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

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.

- (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, alley, fireplace, or wood burning stove, any "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 "garbage" as defined in Section 7-2-3 of this Code, or any other combustible material, except in a fireplace or wood burning stove.

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; amd. Ord. 15-07, 8-3-15)

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.