

Village of Morton Municipal Code Book

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

REMOVE PAGES HEADED

TITLE 3

3-8-6 LIMITATION ON NUMBER:

TITLE 6

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

INSERT PAGES HEADED

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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:

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 Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.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