

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 242 - February 2017
Includes Ordinances: 16-10, 16-11, 16-13, 16-14

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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:

16-10, November 21, 2016
16-11, November 21, 2016
16-13, January 3, 2017
16-14, February 6, 2017

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 Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.

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LOCAL GOVERNMENT TRAVEL CONTROL ACT POLICY

SECTION:

- 1-25-1: Definitions, General
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- 1-25-4: Standardized Form for Submission of Expenses
- 1-25-5: Reimbursement for Entertainment Expenses Prohibited
- 1-25-6: Board of Trustees Travel Expenses

1-25-1: **DEFINITIONS, GENERAL:** Whenever the following words or terms are used in this chapter, they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

ENTERTAINMENT: The term "Entertainment" includes but is not limited to shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

TRAVEL EXPENSE: The term "Travel Expense" means any expenditure directly incident to official travel by employees or officers of the Village involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

1-25-2: **PERMISSIBLE REIMBURSABLE TRAVEL EXPENSES:** It is the policy of the Village of Morton to reimburse only reasonable and necessary travel expenses incurred by employees, officers, or agents of the Village of Morton. The types of official business for which travel expenses are allowed is as follows:

- (A) Professional Education.
- (B) Professional Certifications or Trainings.
- (C) Professional Association or Club conferences.
- (D) Lobbying activities on behalf of the Village of Morton.
- (E) The conduct of meetings which cannot conveniently be held within the corporate boundaries of the Village of Morton.
- (F) Such other events or occurrences as may be necessary to adequately and fully attend to the duties and responsibilities assigned to the officer or employee.

1-25-3: **MAXIMUM ALLOWABLE REIMBURSEMENT:** The maximum allowable reimbursement to be paid to any employee for travel expenses which can be reimbursed to the employee without advanced board approval is \$1,000.00. In the event of an emergency or other extraordinary circumstances, travel expenses may be authorized and approved in an amount in excess of the maximum allowable limit otherwise provided herein by the Mayor. In order to approve non-emergency travel expenses in excess of the limits provided herein, the corporate authorities of the Village of Morton must approve the reimbursement.

1-25-4: **STANDARDIZED FORM FOR SUBMISSION OF EXPENSES:** The Village Administrator shall prepare and promulgate a standardized form for submission of travel expenses and shall be made available on request to any employee or officer of the Village. The standardized form shall require the employee or officer seeking reimbursement to submit documentation along with their request for reimbursement, which documentation satisfies the requirements of Section 20 of the Local Government Travel Expense Control Act.

1-25-5: **REIMBURSEMENT FOR ENTERTAINMENT EXPENSES PROHIBITED:** The Village of Morton shall not reimburse any officer, employee or elected official for any entertainment expenses.

1-25-6: **BOARD OF TRUSTEES TRAVEL EXPENSES:** The Village of Morton shall not reimburse any travel expense of the Mayor or any member of the Board of Trustees unless reimbursement has been approved by a roll call vote of the Board of Trustees at an open public meeting.

(Ord. 16-13, 1-3-17)

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	Eleven (11)
Class B-3	Three (3)
Class C	One (1)
Class D	Two (2)
Class E	Seven (7)
Class F	No specific limit
Class G	Zero (0)
Class H	No specific limit
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; amd. Ord. 15-19, 3-7-16; amd. Ord. 16-04, 9-19-16; amd. Ord. 16-10, 11-21-16)

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.

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CHAPTER 1

BUILDING CODE AND BUILDING PERMITS

SECTION:

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

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

- (A) The 2015 Edition of the International Building Code, and any subsequent editions or amendments therefore, copyrighted by the International Code Council, Inc., a copy of which is on file in the office of the Village Clerk, is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, and location and maintenance of buildings and structures.
- (B) The 2015 Edition of the International Fire Code and any subsequent editions or amendments thereto is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, use and occupancy, and maintenance of buildings and structures.
- (C) The 2015 Edition of the International Energy Conservation Code, and any subsequent additions or amendments therefor copywrited by the International Code Council, Inc., a copy of which is on file in the office of the Village Clerk, is hereby adopted for the purpose of establishing rules and regulations for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical lighting and power systems as therein provided. The following additions, changes and/or deletions shall apply to the International Energy Conservation Code as adopted by the Village of Morton:
 1. In Section (C)-101.1 "Village of Morton" is inserted in place of [Name of Jurisdiction]; and
 2. In Section (R)-101.1 "Village of Morton" is inserted in place of [Name of Jurisdiction].
- (D) The 2015 Edition of the International Residential Code for One (1) and Two (2) Family Dwellings, and any subsequent additions or amendments therefore, copywrited by the International Code Council, Inc. a copy of which is on file in the office of the Village Clerk, is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of attached one (1) and two (2) family dwellings and multiple single family dwellings (townhouses) not more than three (3) stories in height. The following additions, changes and/or deletions shall apply to the International Residential Code as adopted by the Village of Morton:
 1. In Section (R)-101.1 "Village of Morton" is inserted in place of [Name of Jurisdiction]; and
 2. In Section (R)-301.2(1) [appropriate design criteria] shall be as specified in the charts and tables contained in that section, and

3. Chapter 25 is not adopted and shall not apply to residential structures within the Village of Morton.
4. Appendix Chapters A, B, C, E and G are hereby adopted as a part of the International Residential Code.
5. Any and all automatic fire sprinkler provisions set forth in the International Residential Code are not adopted and shall not apply to residential structures within the Village of Morton.

(E) The 2015 Edition of the International Existing Building Code, and any subsequent additions or amendments therefor copyrighted by the International Code Council, Inc., a copy of which is on file of the office of the Village Clerk, is hereby adopted for the purpose of establishing rules and regulations governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, within the Village of Morton. The following additions, changes, and/or deletions shall apply to the International Existing Building Code as adopted by the Village of Morton:

1. In Section 101.1 "Village of Morton" is inserted in place of [Name of Jurisdiction]; and
2. In Section 1401.2 "January 1, 2017" is inserted [Date in one location].
3. Appendix Chapters A6 and Resource A are hereby adopted as a part of the International Existing Building Code of the Village of Morton.

(F) The Codes are incorporated fully as if set out at length herein, and the provisions thereof shall be controlling in the construction, alteration, use and occupancy, and maintenance of all buildings and structures. All amendments and new or revised editions shall be effective sixty (60) days after the Village publishes a notice indicating that such amendments or new or revised editions have been placed on file at the office of the Village Clerk. Until such date, the prior editions shall remain in effect. (Ord. 90-37, 4-15-91; amd. Ord. 94-24, 11-21-94; amd. Ord. 00-42, 12-4-00; amd. Ord. 14-12, 7-7-14; amd. Ord. 16-11, 11-21-16)

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

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

(A) **Building Permits:** Applications for building permits shall be filed in written form with the Zoning Office of the Village and shall contain such information as required by the Zoning Enforcing Officer.

(B) **Certificate Of Occupancy:**

1. No land shall be occupied or used and no building hereafter erected, altered, or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Zoning Enforcing Officer.
2. All certificates of occupancy shall be applied for coincident with the application for a building permit, and said certificate shall be issued within three (3) days after the construction or alteration shall have been approved.
3. The Zoning Enforcing Officer shall maintain a record of all certificates.

4. If a building is occupied before a certificate of occupancy is issued, the owner of the building shall be subject to a minimum fine of two hundred fifty dollars (\$250.00) up to a maximum fine of seven hundred fifty dollars (\$750.00) for each and every day the building is occupied without a certificate of occupancy.

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

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

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

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

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

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

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

4-1-3: **FEES:**

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

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

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

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

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

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

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

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

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

Said fee shall be as follows:

1. Two hundred fifty dollars (\$250) for life safety and fire prevention code plan review, inspection and enforcement.
2. Two hundred seventy-five dollars (\$275) for sprinkler system/stand pipe plan review, inspection and code enforcement for systems with between one (1) and one hundred ninety-nine (199) sprinkler heads, or four hundred dollars (\$400) for systems with two hundred (200) or greater heads or systems that require a fire pump, when such a system is required by code or is otherwise to be installed.
3. Two hundred seventy-five dollars (\$275) for fire detection and alarm systems plan review, inspection and code enforcement, when such a system is required by code or is otherwise to be installed.
4. Three hundred dollars (\$300) for site plan review. (amd. Ord. 08-02, 5-5-08)

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

1. One (1) and two (2) family dwellings, residential garages and storage buildings.
2. Accessory buildings as defined by Village ordinance.
3. School buildings.

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

- (D) In addition to the above fees, plans that require more than two (2) reviews shall be billed at a reasonable hourly charge as may be established by, and paid directly to the party the Village has contracted with to perform such review. (Ord. 04-07, 06-21-04)
- (E) In addition to the above fees, there shall be due and owing to the Village of Morton a building inspection fee for building code inspections conducted by the Village of Morton or its agent or authorized representative. The building inspection fee for single family residential construction shall be calculated at a rate of \$0.25 per finished square foot, excluding garage or basement area. The building inspection fee for commercial, industrial or multi-family residential construction shall be calculated at a rate of \$3.75 per \$1,000.00 of construction costs. The applicant for a building permit shall be required to produce to the Village of Morton verification deemed satisfactory to the Village of Morton of the construction costs, such as a copy of the bid documents or a copy of the general contractors contract. (Ord. 16-11, 11-21-16)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 5

FLOODPLAIN REGULATION AND FLOOD DAMAGE PREVENTION

SECTION:

- 4-5-1: Purpose
- 4-5-2: Definitions
- 4-5-3: Base Flood Elevation
- 4-5-4: Duties of the Flood Plain Administrator
- 4-5-5: Development Permit
- 4-5-6: Preventing Increased Flood Heights and Resulting Damages
- 4-5-7: Protecting Buildings
- 4-5-8: Subdivision Requirements
- 4-5-9: Public Health and Other Standards
- 4-5-10: Variances
- 4-5-11: Disclaimer of Liability
- 4-5-12: Penalty
- 4-5-13: Abrogation and Greater Restrictions

4-5-1: **PURPOSE:** This Chapter is enacted pursuant to the police powers granted to this Village by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2) in order to accomplish the following purposes:

- (A) To prevent unwise developments and restrict or prohibit uses which increase flooding or drainage hazards to others;
- (B) protect new buildings and major improvements to buildings from flood damage;
- (C) to promote and protect the public health, safety, and general welfare of citizens from the hazards of flooding;
- (D) to lessen the burden on the taxpayer for flood control, repairs to public property, facilities and utilities, and flood rescue and relief operations;
- (E) maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- (F) make federally subsidized flood insurance available for property in the Village by fulfilling the requirements of the National Flood Insurance Program, and
- (G) to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, provide aesthetic benefits and enhance community and economic development.

4-5-2: **DEFINITIONS:** For the purposes of this Chapter, the following definitions are adopted:

Base Flood: The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in section 4-5-3 of this Chapter.

Base Flood Elevation (BFE): The elevation in relation to mean sea level of the crest of the base flood.

Basement: That portion of a building having its floor sub-grade (below ground level) on all sides.

Building: A structure that is principally above ground and is enclosed by walls and a roof. This term also includes manufactured homes, prefabricated buildings, gas or liquid storage tanks and recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days.

Compensatory Storage: An artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain. The uncompensated loss of natural floodplain storage can increase off-site floodwater elevations and flows.

Critical Facility: Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility infrastructure sites such as telecommunication buildings and electrical substations and facilities which produce, use or store hazardous materials (chemicals, petrochemicals, hazardous or toxic substances).

Development: Any man-made change to real estate including, but not necessarily limited to:

1. Demolition, construction, reconstruction, repair, placement of a building, or any addition or structural alteration to a building;
2. substantial improvement of an existing building;
3. installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days;
4. installation of utilities, construction of roads, bridges, culverts or similar projects;
5. construction or erection of levees, berms, dams, walls or fences;
6. drilling, mining, filling, stockpiling, dredging, grading, excavating, paving, or other non-agricultural alterations of the ground surface;
7. storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar agricultural practices that do not involve excavating, grading, filling or construction of levees.

Elevation Certificate: A form produced by FEMA used to document and certify a structure’s elevation information including the lowest floor elevation of a building.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA: Federal Emergency Management Agency

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Fringe: That portion of the floodplain outside of the regulatory floodway.

Flood Insurance Rate Map (FIRM): A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

Flood Insurance Study (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. The Flood Insurance Study number for Tazewell County and incorporated areas is 17179CV000A dated February 17, 2017.

Flood Plain Administrator: The Village Director of Public Works and or his/her designee.

Floodplain and Special Flood Hazard Area (SFHA): These two terms are synonymous. Those lands within the jurisdiction of the Village, the extraterritorial jurisdiction of the Village, or that may be annexed into the Village, that are subject to inundation by the base flood. The floodplains of the Village are generally identified as such on panel number(s) 0045, 0065, 0200, 0201, 0202, 0203, 0204, 0225 of the countywide Flood Insurance Rate Map of Tazewell County prepared by the Federal Emergency Management Agency and dated February 17, 2017. Floodplain also includes those areas subject to flooding from a river, creek, intermittent stream, ditch, channel or conveyance of known flooding as identified by the community.

The floodplains of those parts of unincorporated Tazewell County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village are generally identified as such on the Flood Insurance Rate map prepared for Tazewell County by the Federal Emergency Management Agency and dated February 17, 2017.

Floodproofing: Any combination of structural or nonstructural additions, changes, or adjustments to structures and their attendant utilities which reduce or eliminate flood damage to real estate, property and their contents.

Floodproofing Certificate: A form published by the Federal Emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

Flood Protection Elevation (FPE): The elevation of the base flood plus two feet of freeboard at any given location in the floodplain.

Floodway: That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Bull Run and Prairie Creeks shall be as delineated on the countywide Flood Insurance Rate Map of Tazewell County prepared by FEMA and dated February 17, 2017. The floodways for each of the remaining floodplains of the Village shall be according to the best data available from Federal, State, or other sources.

Freeboard: An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams. The freeboard as defined by this Chapter as "Flood Protection Elevation" is based on two feet above the existing base flood elevation.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
4. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

IDNR/OWR: Illinois Department of Natural Resources/Office of Water Resources.

IDNR /OWR Jurisdictional Stream: Illinois Department of Natural Resource Office of Water Resources has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the Department. (Ill Admin. Code tit. 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in section 4-5-6 of this Chapter.

Lowest Floor: the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of section 4-5-7 of this Chapter.

Manufactured Home: A structure transportable in one or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

New Construction: Structures for which the start of construction commenced or after the effective date of the first floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by a community.

NFIP: National Flood Insurance Program.

Recreational Vehicle or Travel Trailer: A vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less in size;
3. designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

SFHA: See definition of floodplain.

Start of Construction: Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

Structure: (see "Building")

Substantial Damage: Damage of any origin sustained by a structure whereby the cumulative percentage of damage during the life of the building equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive Loss Buildings" (see definition).

Substantial Improvement: Any reconstruction, rehabilitation, addition or improvement of a structure taking place during the life of the building in which the cumulative percentage of improvements: Equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or

Increases the floor area by more than twenty percent (20%).

"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

4-5-3: **BASE FLOOD ELEVATION:** This Chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to FEMA, IDNR/OWR and the Village of Morton for approval prior to any development of the site.

- (A) The base flood elevation for the floodplains of Bull Run and Prairie Creeks shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Tazewell County and incorporated areas prepared by the Federal Emergency Management Agency, numbered 17179CV000A and dated February 17, 2017.

- (B) The base flood elevation for each floodplain delineated as an "AH Zone" or AO Zone" shall be that elevation (or depth) delineated on the county wide Flood Insurance Rate Map of Tazewell County.
- (C) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Tazewell County shall be calculated by a method and procedure that is acceptable to and approved by FEMA, IDNR/OWR and the Village of Morton utilizing the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.
- (D) The base flood elevation for the floodplains of those parts of unincorporated Tazewell County that are within the extraterritorial jurisdiction of the Village, or that may be annexed into the Village, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Tazewell County prepared by the Federal Emergency Management Agency and dated February 17, 2017.

4-5-4: **DUTIES OF THE FLOOD PLAIN ADMINISTRATOR:** The Flood Plain Administrator shall coordinate with the building/ zoning or permit official and is responsible for the general administration of this Chapter and shall ensure that all development activities within the floodplains under the jurisdiction of the Village meet the requirements of this Chapter, including but not limited to the following duties:

- (A) Process development permits in accordance with section 4-5-5;
- (B) ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of section 4-5-6;
- (C) ensure that the building protection requirements for all buildings subject to section 4-5-7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- (D) assure that all subdivisions and annexations meet the requirements of section 4-5-8;
- (E) ensure that water supply and waste disposal systems meet the Public Health standards of section 4-5-9;
- (F) if a variance is requested, ensure that the requirements of section 4-5-10 are met and maintain documentation of any variances granted;
- (G) inspect all development projects and take any and all penalty actions outlined in section 4-5-12 as necessary to ensure compliance with this Chapter;
- (H) assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- (I) notify IDNR/OWR and any neighboring communities in writing (30) days prior to any alteration or relocation of a watercourse;
- (J) provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (K) cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this Chapter;

- (L) maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this Chapter;
- (M) perform site inspections to ensure compliance with this Chapter and make substantial damage determinations for structures within the floodplain, and
- (N) maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

4-5-5: **DEVELOPMENT PERMIT:** No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Flood Plain Administrator. The Flood Plain Administrator shall not issue a development permit if the proposed development does not meet the requirements of this Chapter.

- (A) The application for development permit shall include copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity and shall be accompanied by site plans which include at a minimum:
 1. Plans drawn to scale showing property line dimensions, easements, restrictions and reservations;
 2. existing grade elevations and all changes in grade resulting from excavation or filling;
 3. the location and dimensions of all buildings and additions to buildings;
 4. elevation information required for use in coordinating and completing elevation certificates including the elevation of the lowest floor (including basement) of all existing and proposed buildings subject to the requirements of section 4-5-7 of this Chapter, and
 5. content meeting the requirements, as applicable, for sites being developed and which are subject to site plan review under sections 10-4-6 & 10-4-7.
- (B) Upon receipt of an application for a development permit, the Flood Plain Administrator shall compare the elevation of the site to the base flood elevation, and make permit determinations based on but not limited to the following conditions:
 1. Any development located on land that is shown by survey elevation to be below the current base flood elevation is subject to the provisions of this Chapter.
 2. Any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current Flood Insurance Rate Map and or Flood Insurance Study, is subject to the provisions of this Chapter.
 3. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the provisions of this Chapter.

The Flood Plain Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

- (C) Certificate of Occupancy:

1. No land shall be occupied or used and no building hereafter erected, altered, or modified shall be used or changed in use until a certificate of occupancy shall have been issued by the Zoning Enforcement Officer and after having obtained approval from the Flood Plain Administrator.
2. All certificates of occupancy shall be applied for coincident with the application for a building permit, and said certificate shall be issued either in connection to the building permit or by separate authorization.
3. All work performed under a development permit shall conform to the approved application and plans, and approved amendments thereto. If, upon final inspection of a building or development site, the Flood Plain Administrator finds that the work has been performed in accordance with the approved application and plans of the permit, a certificate of occupancy may be issued. If final inspection reveals otherwise, a certificate of occupancy may not be issued until all deficiencies are corrected.
4. An elevation certificate shall be provided to the Flood Plain Administrator for approval prior to issuance of occupancy certifying that all critical elevations have been met in accordance with the community's flood plain ordinance, including but not limited to the BFE, lowest floor (including basement). The certificate shall be completed, signed and sealed by a licensed surveyor, engineer or architect.

(D) Posting Permit and Consent for Inspections:

1. A copy of the development permit shall be posted in a conspicuous place on the premises, in plain view from a public road, during the execution of the work and until completion and approval of same.
2. All work for which a permit is required shall be subject to inspection by the Flood Plain Administrator or duly authorized representative. It shall be unlawful to refuse entry or access to such premises or structures at any reasonable time to make an inspection or to interfere with or hinder when in the performance of their duties.

(E) Revocation: The Building Official or Flood Plain Administrator may revoke a permit when it is found from personal inspection or from competent evidence which demonstrates that the work is built or is being built contrary to the provisions of the application or plans on which the permit was based. The permit may also be revoked in the case where there is found to have been any false statement or misrepresentation as to material fact in the application or plans on which the permit was based. When a permit is revoked, the Flood Plain Administrator shall inform the permittee in writing of the specific steps the permittee must take in order to have the permit reissued. It shall be unlawful to continue any work authorized by a permit after revocation of that permit and until the permit is reissued or until a new permit is issued.

(F) Completion of Work: A permit under which no work is commenced within ninety (90) days after issuance shall expire by limitation and a new permit shall be secured before work is started.

(G) Fees: The fee for permits issued pursuant to this Section shall be \$100.00

4-5-6: **PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES:** Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- (A) Except as provided in Section 4-5-6(B,C&D) of this Chapter, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. Nor shall development contribute to impairment of the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. For all projects involving channel modification, fill, or stream maintenance (including levees), the carrying capacity of the watercourse shall be maintained. The following specific development activities shall be considered as appropriate uses meeting this requirement:
1. Bridge and culvert crossings of streams meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:
 2. Flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding, erosion, or water quality or habitat for fish and wildlife;
 3. Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4;
 4. Minor, non-obstructive activities such as underground utility lines, athletic fields and trail systems, including any related fencing (at least 50 percent open when viewed from any one direction) built parallel to the direction of flood flows, and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6:
 5. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:
 6. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:
 7. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:
 8. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:
 9. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:
 10. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:
 11. Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:
 12. Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

Appropriate uses do not include the construction or placement of any structures, whether temporary or permanent, fencing (including landscaping or planting act as a fence) and placement or storage of ancillary materials related to permitted uses such as soccer goals, backstops and other above grade appurtenances and are prohibited.

- (B) Other development activities not listed in 4-5-6(A) may be permitted only if:
1. permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or
 2. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.
- (C) Whenever any portion of a floodplain is to be authorized for use, compensatory storage shall be provided subject to the following provisions:
1. The volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation.
 2. The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure.
 3. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied.
 4. All floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation.
 5. All such excavations shall be constructed to drain freely and openly to the watercourse.
- (D) The principles of "No Adverse Impact" NAI shall be utilized in administration of this Chapter.

4-5-7: **PROTECTING BUILDINGS:**

- (A) In addition to the state permit and damage prevention requirements of section 4-5-6 of this Chapter, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:
1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.
 2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively during the life of the building). If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
 3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during the life of the building. If substantially damaged the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.
 4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).

5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days.
6. Repetitive loss to an existing building as defined in section 4-5-2.

(B) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

1. The building may be constructed on permanent land fill in accordance with the following:
 - (a) The lowest floor (including basement) shall be at or above the flood protection elevation.
 - (b) The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.
 - (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure. All slopes shall be no steeper than 3h:1v.
 - (d) The fill shall be composed of rock or soil and not incorporated debris or refuse material, and
 - (e) shall not adversely affect the flow of surface drainage from or onto neighboring properties, shall conform to an approved subdivision master grading plan and or individual lot grading plan and when necessary, stormwater management techniques such as swales or basins shall be incorporated.
2. The building may be elevated on solid walls in accordance with the following:
 - (a) The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
 - (b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
 - (c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, and
 - (d) the foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
 - (1) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
 - (2) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
 - (3) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or

(4) in lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

3. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
 - (a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.
 - (c) The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.
 - (d) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.
 - (e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
 - (f) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
 - (g) Utility systems within the crawlspace must be elevated above the flood protection elevation.

(C) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

1. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
3. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
4. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

(D) Manufactured homes or travel trailers to be permanently installed on site shall be:

1. Elevated to or above the flood protection elevation in accordance with section 4-5-7(B), and
2. anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.

- (E) Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days shall meet the elevation requirements of section 4-5-7(D) unless the following conditions are met:
1. The vehicle must be either self-propelled or towable by a light duty truck.
 2. The hitch must remain on the vehicle at all times.
 3. The vehicle must not be attached to external structures such as decks and porches
 4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
 5. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.
 6. The vehicle's wheels must remain on axles and inflated.
 7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
 8. Propane tanks as well as electrical and sewage connections must be quick-disconnect.
 9. The vehicle must be licensed and titled as a recreational vehicle or park model, and
 10. must either:
 - (a) entirely be supported by jacks, or
 - (b) have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.
- (F) Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:
1. The garage or shed must be non-habitable.
 2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
 3. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
 4. The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.
 5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
 6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
 7. The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.

8. The garage or shed must be less than fifteen thousand dollars (\$15,000) in market value or replacement cost whichever is greater or less than five hundred and seventy six (576) square feet (24'x24').
9. The structure shall be anchored to resist floatation and overturning.
10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

4-5-8: **SUBDIVISION REQUIREMENTS:** The Village shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

- (A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of sections 4-5-6 and 4-5-7 of this Chapter. Any proposal for such development shall include the following data:
1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
 2. the boundary of the floodway when applicable, and
 3. a signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).
- (B) Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.
- (C) All floodplains identified pursuant to detailed engineering analysis and which are not currently mapped as SFHA shall be placed within easements and shown on such plats as may be required by the provisions contained with the Village's subdivision design requirements under title 11 of the Municipal Code. The greater extent of either the SFHA or the prescribed easement(s) under the Municipal Code shall be used in regulating development within and/or adjacent to the floodplain.
- (D) All manufactured home parks or subdivisions located wholly or partially in a Zone A shall file evacuation plans indicating vehicular access and escape routes, including mobile home hauler routes, with the Village Emergency Services and Public Works Departments.

4-5-9: **PUBLIC HEALTH AND OTHER STANDARDS:**

- (A) Public health standards must be met for all floodplain development. In addition to the requirements of sections 4-5-6 and 4-5-7 of this Chapter the following standards apply:
1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of section 4-5-7 of this Chapter.
 2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available and after having sought and received approval for a variance meeting the conditions listed under section 4-5-10. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

- (B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

4-5-10: **VARIANCES:** Whenever the standards of this Chapter place undue hardship on a specific development proposal, the applicant may apply to the Superintendent of Public Works for a variance. The Superintendent of Public Works shall review the applicant's request for a variance and shall submit its recommendation to the Village President and Board of Trustees. The Village President and Board of Trustees may attach such conditions to granting of a variance as it deems necessary to further the intent of this Chapter.

- (A) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

1. The development activity cannot be located outside the floodplain.
2. An exceptional hardship would result if the variance were not granted.
3. The relief requested is the minimum necessary.
4. There will be no additional threat to public health, safety or creation of a nuisance.
5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
7. all other state and federal permits have been obtained.

- (B) The Village President and Board of Trustees shall notify an applicant in writing that a variance from the requirements of the building protections standards of section 4-5-7 that would lessen the degree of protection to a building will:

1. Result in increased premium rates for flood insurance commensurate with the increased risk and up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;

2. increase the risk to life and property, and
3. require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) Historic Structures

1. Variances to the building protection requirements of section 4-5-7 of this Chapter which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of sections 4-5-6 and 4-5-7 of this Chapter subject to the conditions that:
 - (a) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
 - (b) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(D) Agriculture

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this Chapter.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

1. All agricultural structures considered for a variance from the floodplain management regulations of this Chapter shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farm houses, cannot be considered agricultural structures.
2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with section 4-5-7 of this Chapter.
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with section 4-5-7 of this Chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with section 4-5-7 of this Chapter.
6. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with section 4-5-7(B) of this Chapter.

7. The agricultural structures must comply with the floodplain management floodway provisions of section 4-5-6 of this Chapter. No variances may be issued for agricultural structures within any designated floodway.
8. Wet-floodproofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

4-5-11: **DISCLAIMER OF LIABILITY:** The degree of protection required by this Chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This Chapter does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from proper reliance on this Chapter or any administrative decision made lawfully thereunder.

4-5-12: **PENALTY:** Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this Chapter. Upon due investigation, the Flood Plain Administrator may determine that a violation of the minimum standards of this Chapter exists. The Village shall notify the owner in writing of such violation.

(A) If such owner fails after ten (10) days notice to correct the violation:

1. The Village shall make application to the circuit court for an injunction requiring conformance with this Chapter or make such other order as the court deems necessary to secure compliance with the Chapter.
2. Any person who violates this Chapter shall upon conviction thereof be fined not less than fifty dollars (\$50) or more than seven hundred fifty (\$750) for each offense.
3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and
4. the Village shall record a notice of violation on the title of the property.

(B) The Flood Plain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The Flood Plain Administrator is authorized to issue an order requiring the suspension of the subject development. The suspension order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the Village President and Board of Trustees. Written notice of such hearing shall be served on the permittee and shall state:

1. The grounds for the complaint, reasons for suspension or revocation, and
2. the time and place of the hearing.

At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Village President and Board of Trustees shall determine whether the permit shall be suspended or revoked.

- (C) Nothing herein shall prevent the Village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

4-5-13: **ABROGATION AND GREATER RESTRICTIONS:** This ordinance repeals and replaces other ordinances adopted by the Village of Morton to fulfill the requirements of the National Flood Insurance Program including: Ordinance 88-10 dated August 15th 1988. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 16-14, 2-6-17)

CHAPTER 6
VIOLATIONS

SECTION:

4-6-1: Violations And Penalties

4-6-1: **VIOLATIONS AND PENALTIES:**

- (A) Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any provision of this Title 4, upon conviction, shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense. (amd. Ord. 04-02, 5-3-04; amd. Ord 06-35, 12-4-06)
- (B) In case any building or structure, or any part thereof, is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Title, the proper authorities of the Village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful construction, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises. (Ord. 90-37, 4-15-91; amd. Ord. 16-14, 2-6-17)

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