

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 246 - December 2017
Includes Ordinances: 17-26, 17-27, 17-28, 17-29, 17-31, 17-32

REMOVE PAGES HEADED

TITLE 8

8-2-10 4. The Village shall be given notice...
(and the following two pages)

8-15-7 2. The residential utility customer...
(and the following page)

TITLE 9

9-6-2 (G) Bauman Ave.
(and the following two pages)

TITLE 10

10-4-7 4. Driveways And Parking Areas

10-9-4 3. Temporary signs on the property
(and the following page)

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

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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:

17-26, December 4, 2017
17-27, December 4, 2017
17-28, December 4, 2017
17-29, December 4, 2017
17-31, December 18, 2017
17-32, December 18, 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 Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.

4. The Village shall be given notice of the test no less than four (4) hours prior to the proposed test time, with the test being scheduled during regular Village working hours only. If the initial pressure test fails, it will be rescheduled. The Village may charge actual costs for time involved with retesting. After witnessing a successful pressure test, the Village Gas Department may turn on the service.
- (F) No connection will be made with any house pipe manifold that has not been tested for leakage, or which is not rigidly connected to the building.
- (G) The Village shall have the right and option to demand changes, removal, or replacement of any pipe, fixture, or apparatus which is considered to be faulty, inadequate, or hazardous, provided, however, that this provision shall not obligate the Village in any way or manner. The Village shall have the right to refuse or discontinue gas service without notice to its customers if the Village finds any apparatus or appliance in operation which would be detrimental or hazardous to the efficient operation of the existing facilities.
- (H) All persons, firms, corporations, and customers are strictly forbidden to attach any electrical ground wire to any fixture or piping which is or may be connected to any gas service pipe, meter, or main belonging to the Village. The Village will hold the owner of the premises responsible and liable for any damage to its property or injury to the employees of the Village caused by such ground wire. Any and all persons, firms, corporations, and customers shall remove any existing ground wires immediately, and if such ground wires are not removed after twenty four (24) hours' written notice, the Village, through its officials, may enter the property and remove such ground wires, and the customer shall pay all costs.
- (I) Any service which has had no consumption for twenty four (24) consecutive months shall be abandoned and disconnected at the main by the Village, per Gas Utilities Alliance regulations. The cost of reconnection and a new pressure test shall be borne by the property owner. Any meter on a multiple service which has had no consumption for twenty four (24) consecutive months shall be removed.
- (J) If the owners of property within the corporate limits of Morton desire that the property they own obtain gas service, it must be obtained from Morton unless a gas main is not available to provide the service or unless service is currently being provided by Ameren pursuant to prior agreement by Morton. Morton has sole discretion in determining whether a gas main is available. Propane tanks are prohibited as a source for gas service to any residential, commercial or industrial property within the Village of Morton which is served by or can be served by Morton or by Ameren pursuant to an agreement by Morton, except (a) propane tanks may be used as a source for gas service in any residential, commercial or industrial property within the Village of Morton during the construction and prior to the installation of natural gas service to the residential, commercial or industrial property within the Village; or (b) of any residential, industrial or commercial property which on the sixth day of November, 2017 which was located within the Village and which could be served by Morton or by Ameren pursuant to an agreement by Morton but which was not then served by Morton or Ameren but instead was served by propane tank, which property shall be grandfathered and shall not be required to comply with the terms of this ordinance until such time as the propane tank which exists on the property on November 6, 2017 no longer functions, at which time such property's grandfathered status shall terminate. (Ord. 96-12, 7-1-96; amd. Ord. 12-09, 7-30-12; amd. Ord. 17-31, 12-18-17)

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

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

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

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

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

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

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

- (B) The charge for gas shall be determined monthly, as follows:
1. The SPW shall determine the total cost of gas purchases during the previous month, said cost shall include all storage, usage, transportation, demand, shrinkage, and other costs of purchase incurred.
 2. The SPW shall determine the total volume of gas purchased the previous month.
 3. The total cost of gas purchased divided by the volume purchased will equal the average cost of gas on a per-therm basis. One (1) therm shall be deemed to equal one hundred (100) cubic feet.
 4. The rate to be charged to users of gas shall be the average cost per therm, as calculated monthly, plus the gross mark-up per therm, as follows:
 - (a) Effective May 1, 2009: sixteen cents (\$0.16) per therm
 - (b) Effective May 1, 2010: eighteen cents (\$0.18) per therm
 - (c) Effective May 1, 2011: twenty cents (\$0.20) per therm
(amd. Ord. 01-29, 12-3-01; amd. Ord. 08-39, 3-2-09)
 5. Rates shall be charged for residential service and for commercial/industrial service. Small commercial/industrial service shall be those users with a meter of a capacity less than one thousand (1,000) cubic feet per hour. Large commercial/ industrial service shall be those users with a meter of a capacity of one thousand (1,000) or more cubic feet per hour.
 6. The gross charge for residential service shall be allocated on a uniform basis with a constant progression, based on the following usage:

First 30 therms: $125\% \times$ (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.

Over 30 therms: $105\% \times$ (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.
 7. The gross charge for small commercial/industrial service shall be allocated on a uniform basis with a constant progression, based on the following usage:

First 150 therms: $115\% \times$ (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.

Next 650 therms: $105\% \times$ (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.

Over 800 therms: $102.5\% \times$ (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.
 8. The gross charge for large commercial/industrial service shall be allocated on a uniform basis with a constant progression, based on the following usage:

First 600 therms: $105\% \times$ (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.

Next 2,400 therms: 102.5% x (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.

Next 12,000 therms: 101% x (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.

Over 15,000 therms: 99.5% x (the average cost per therm of gas as calculated monthly, plus the gross mark-up per therm) as established under this Section of the Morton Municipal Code.

9. There shall be a customer charge for service each month for each classification. Said gross charge shall be issued to all users within thirty (30) days of the installation of the service line by the Village, and a bill shall be issued each month thereafter, based on the rates herein, unless gas service is discontinued pursuant to the request of the users, the property owner, or the Village. Effective May 1, 2009, the customer service charge for each classification shall be as follows:

(a) Residential Service	\$ 8.25 per month
(b) Small Commercial / Industrial Service	13.00 per month
(c) Large Commercial / Industrial Service	20.00 per month

For those existing customers outside the Village limits, there shall be, in addition to the customer service charge, a supplemental service charge of six dollars (\$6.00) per month.

Hereafter, there shall be an automatic five percent (5%) increase to these customer service charges on May 1, 2010 and May 1, 2011. (amd. Ord. 08-39, 3-2-09; amd. Ord 17-20, 9-5-17)

- (C) The Illinois Utility Tax and any other taxes now or hereafter effective or to be levied on operation or revenues of the gas system in the future shall be applied uniformly and directly to all charges for gas service as additional charges.
- (D) The Village Board shall have the right to establish special rates or contracts for gas service to special industrial or special service use. (Ord. 96-12, 7-1-96)

8-2-16: **NO FREE GAS:** No free gas shall be furnished to any person, firm, organization, or corporation, public or private, and all rates and charges shall be nondiscriminatory, provided that the Village Board reserves the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust. If the Village should elect to supply itself with gas for any purpose, regular rates thereof shall be charged the proper department and payment made as by any other customer. (Ord. 96-12, 7-1-96)

8-2-18: **SERVICE DISCONTINUED; DANGEROUS CONDITIONS:**

- (A) The Village reserves the right to discontinue without notice gas service to any premises where a dangerous condition is found to exist. No customer shall be permitted to use the stopcock of the service disconnection for shutting off gas while making extensions, additions, or repairs to the pipe or equipment on the premises. Such shutoff, discontinuance, or interruption of service shall be made only by the Village's properly authorized employees.

- (B) When the fraudulent use of gas is detected, or where the Village regulating or measuring equipment has been tampered with, or where a dangerous condition is found to exist on the customer's premises, service may be shut off without notice. Where such gas service is shut off or stopped, whether by the Village or at the request of the property owner, tenant, or occupant, the gas shall not again be turned on or supplied to the premises until the problem is corrected (in the judgment of the SGD and the SPW), and the shutoff fee of fifty dollars (\$50.00) is paid. (Ord. 96-12, 7-1-96; amd. Ord. 00-36, 11-6-00)

8-2-19: **VILLAGE NOT LIABLE FOR AN INTERRUPTION OF SERVICE OR SUPPLY:**

- (A) The Village shall have the right to shut off the supply of gas whenever it is necessary to make repairs or improvements, enforce rules, or for any operating reason. When possible, a reasonable notice of the circumstances will be given to the customers, but in an emergency, the gas may be shut off without notice. Such necessary repair work will be made by the Village as rapidly as may be practical. The Village shall not be held responsible or liable because of any shutoff or discontinuance of service for any direct or resultant damages to any person, company, or customer.
- (B) In the event of such discontinuance of gas service, the Village will make every attempt to safeguard the customer, and service shall not be renewed until Village authorities have purged the lines and put into service all automatic controls and pilots. In no case shall the customer turn on his own service. The purging of lines, relighting pilots, and checking automatic controls will be done by the Village. Where the nature of the customer's operations are such that an interruption of service might create a hazard or large economic loss, such customer shall provide facilities for standby service at his discretion.
- (C) Whenever mains, pipes, service connections, or other facilities of the gas system are taken up, shut off, or interfered with by reason of any street improvements, the Village will endeavor to maintain service so far as is reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure, or inconvenience of any kind, either to the customers or property adjacent or to other customers or other property affected thereby.
- (D) The Village expressly stipulates with all customers and other persons who may be affected by the discontinuance of service that it will neither ensure nor be responsible or liable in any manner for any loss or damages, direct or indirect, by any reason of any fire, or any other cause, and all gas service furnished shall also be conditional upon acts of God, inevitable accidents, fire, strikes, riots, or any other cause. (Ord. 96-12, 7-1-96)

8-2-20: **COMPLAINTS:** All questions and complaints shall be made to the Village Gas Department, which shall be responsible for the proper investigation and required maintenance. Complaints received by the Village shall be identified by the name and address of the customer, the date, the nature of the complaint, and the remedy of same, and shall be kept as a permanent record of the Village. (Ord. 96-12, 7-1-96)

8-2-21: **RESALE:** No gas shall be resold or distributed by the recipient thereof from the Village supply to any premises other than that for which application has been made and the gas service installed. (Ord. 96-12, 7-1-96)

8-2-22: **TAMPERING WITH METER, REGULATOR, OR ANY PARTS OF THE GAS SYSTEM BELONGING TO THE VILLAGE:** It shall be unlawful for any person, firm, corporation, or customer to break the seal of any meter, to make any alterations, changes, or repairs on same, to open any mains, service pipes, laterals, stopcocks, valves, or any part thereof, or to otherwise tamper with or attempt to do any work on either or any of them without authority of the Village or its properly authorized agent. Any person who shall violate any of the provisions of this Section or who shall wilfully or maliciously injure or damage any property connected with the Village gas system shall be subject to the penalties provided in this Chapter. (Ord. 96-12, 7-1-96)

8-2-23: **DEPOSIT OF RECEIPTS:** The Village Treasurer shall receive all of the revenues derived from the Village gas system and all other moneys and funds incidental to the operation of said system, and shall deposit same in a separate bank account for such funds, separately from all other funds of the Village. He shall administer the gas fund in every respect in manner and form as provided by law, in accordance with the provisions heretofore adopted by the President and Board of Trustees pertaining to the construction, maintenance, and operation of said Village gas system, and he shall establish a proper system of accounts separate and apart from all other records and accounts he may be required to keep as such Treasurer. (Ord. 96-12, 7-1-96)

8-2-24: **SEVERABILITY CLAUSE:** If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter. or any part thereof, or application thereof to any person, firm, corporation, public agency, or circumstance, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. It is hereby declared to be the legislative intent of the Village Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid section, subsection, paragraph, sentence, clause, or phrase, or any part thereof, not then been included. (Ord. 96-12, 7-1-96)

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

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

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

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

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

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

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

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

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

8-15-9: **DISCLOSURE OF UTILITY RECORDS:** The utility record of any customer shall not be disclosed to anyone without the consent of the customer unless required by law or unless the account has been referred to collection or unless a lien has been filed on the property where the service was provided.

Persons who are permitted to know customer account information are the Village Administrator or any employee under her supervision, the owner or tenant of property, or the Zoning Officer.

In addition to the foregoing, the Village of Morton may disclose customer information to other persons if a written request is made and it is for a valid and lawful purpose. (Ord. 15-13, 11-16-15)

8-15-10: **RECONNECTIONS:** In the event utility service has been disconnected due to nonpayment of bills, then such utility service shall not be reconnected until all outstanding bills for utility service to the property, any forfeited or lost discounts, any costs incurred by the Village as a result of the discontinuance and reinstatement of said utility service, any and all indebtedness associated with the property that is owed to the Village, including, but not limited to, abatement liens, and a reconnection service charge of fifty dollars (\$50.00) each for gas and water service have been paid in full. The Village requires that someone be present in the dwelling, and signify their presence when requested, prior to service being reconnected. In the event there are delinquent charges or abatement liens to more than one property of a particular owner, then such utility service shall not be reconnected until all outstanding bills for utility service, any forfeited or lost discounts, any costs incurred by the Village as a result of the discontinuance and reinstatement of said utility service, any and all indebtedness that is owed to the Village, including, but not limited to, abatement liens and utility bills, associated with all properties owned by that owner are brought current. Reconstructions will be performed only during normal working hours, which are 7:30 a.m. to 4:00 p.m. Monday through Friday (excluding holidays). Reconstructions will be done only if sufficient Village personnel are available to perform the reconnection during normal working hours. If a customer desires reconnection after 4:00 p.m. and prior to 5:00 p.m., an additional charge of one hundred dollars (\$100.00) shall be assessed and must be paid in full prior to reconnection, in addition to the above stated regulations regarding reconnection. No reconstructions will occur after 5:00 p.m. (amd. Ord. 01-32, 11-19-01; amd. Ord. 17-24, 11-6-17; amd. Ord. 17-29, 12-4-17)

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

- (A) Village utility billing personnel shall be available during regular business hours to receive and consider disputes of any customer relative to an account for utility service. Customers having a dispute which cannot be resolved by utility billing personnel may request a hearing in writing, directed to the Village utility office.
- (B) Requests for a hearing shall be made in writing and contain the name, address, and telephone number of the person requesting the hearing, the address at which utility service is received and which is the subject of the dispute, the specific grounds or reasons for which the hearing is requested, and the specific relief requested.
- (C) Upon filing a request for a hearing, a hearing shall be scheduled with the customer. If the customer has been sent a notice of delinquency, the hearing shall be scheduled on or before the disconnection date specified in the notice of delinquency.
- (D) The Business Manager, or his or her designee, shall serve as hearing officer for any hearings which may be held under this Section. The decision of the hearing officer with respect to the dispute shall be final.
- (E) The Village shall not disconnect the utility service of any person for nonpayment during the pendency of the dispute if:
 1. Written notice is given to the Village utility office as herein provided; and
 2. Payment of all undisputed portions of the bill is made; and
 3. All charges made during the pendency of the dispute are paid as they become due; and
 4. The person making the complaint or dispute enters into a bona fide effort to resolve the disputed matter with all due dispatch.
- (F) If the findings reached at the aforesaid hearing are adverse to the customer, said decision shall be reduced to writing, with a copy thereof to be forwarded to said customer by first class mail. Said decision should also contain the date on which utility service to the customer in question will be discontinued.

8-15-12: **COLLECTION ACTIONS:** The Village Administrator is hereby granted the authority to turn any delinquent account over to a collection agency, the Illinois Local Debt Recovery Program, or attorney retained by the Village for collection. In the event the Village sues to collect on an account, the Village shall be entitled to recover, in addition to the amounts due, its costs, expenses, and reasonable attorney fees incurred in collecting the debt. (amd. Ord. 17-24, 11-6-17; amd. Ord. 17-29, 12-4-17)

8-15-13: **LIENS:**

- (A) The amount of any utility bill which is delinquent shall constitute a lien upon the real estate for which such services were rendered.
- (B) The Business Manager is hereby authorized and directed to file sworn statements showing such delinquencies in the office of the Recorder of Deeds of Tazewell County, Illinois, and the filing of such statements shall be deemed notice for payments of such charges for such utility services. (Ord 04-53, 3-7-05)
- (C) No such lien shall be defeated to the proper amount thereof because of an error or overcharge on the part of the Village, nor shall any lien be defeated upon proof that such utility service was used or contracted for by a tenant of the premises or occupant thereof other than the owner.

- (D) If the user of the utility service whose utility bill is unpaid is not the owner of the premises and the Business Manager has written notice of this fact, notice shall be mailed to the owner of the premises, if an address be known to the Business Manager, whenever such utility bill remains unpaid until the tenth day of the month next following the due date of the utility bill. Said notice shall be by first class mail. (Ord. 04-53, 3-7-05)
- (E) The failure of the Business Manager to record such lien claim or to mail or deliver such notice, or the failure of the owner of such premises to receive such notice, shall not affect the right to foreclose the lien for unpaid utility bills, as provided herein. (Ord. 04-53, 3-7-05)
- (F) If payment of any amount due for utility service, additional charges, or benefits when the same becomes due shall not be made as provided in this Chapter, the Village may file or cause to be filed a complaint in the Circuit Court of Tazewell County for the foreclosure thereof in the same manner as a foreclosure of a real estate mortgage.

8-15-14: **SEVERABILITY:** If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter, or any part thereof, or application thereof to any person, firm, corporation, public agency, or circumstance, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. It is hereby declared to be the legislative intent of the Village Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid section, subsection, paragraph, sentence, clause, or phrase, or any part thereof, not then been included. (Ord. 01-20, 10-15-01)

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

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(Z)	S. Fourth Ave.	Both sides Both sides Both sides East side	From E. Hazelwood to 500' south of E. Queenwood Rd. From E. Jefferson to E. Washington. From 150' north of E. Greenwood to 150' south of E. Greenwood, between 8:00 A.M. and 4:00 P.M. on school days. From E. Washington to 130' south of E. Washington.
(AA)	E. Greenwood St.	North side North side North side South side South side	From 90' east of S. First to 310' east of S. First. From 270' west of Lee to 525' west of Lee, between 8:00 A.M. and 4:00 P.M. on school days. From 110' west of S. Fourth to 290' east of S. Fourth, between 8:00 A.M. and 4:00 P.M. on school days. From 110' west of S. Fourth to 468' east of S. Fourth, between 8:00 A.M. and 4:00 P.M. on school days. From 730' east of S. Fourth to 1165' east of S. Fourth.
(BB)	Highland St.	Both sides	
(CC)	E. Idlewood St.	North side North side South side	From 395' west of Parkside to 445' west of Parkside. From 610' west of Parkside to 765' west of Parkside. From S. Fourth Ave. to 1275' east of S. Fourth Ave.
(DD)	N. Illinois Ave.	Both sides East side East side East side East side	From E. Jackson to Harrison, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the Morton Police Department (MPD) to residents whose homes front on the prohibited area and their guests. From Rassi to 180' north of E. Monroe, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests. From 180' north of E. Monroe to 325' north of E. Monroe. From E. Jackson to 125' south of E. Jackson. From 125' south of E. Jackson to 325' north of E. Monroe, between 7:30 A.M. and 4:00 P.M. on school days, except for: (1) Vehicles displaying a valid handicapped parking permit or handicapped license plate. (2) Vehicles displaying a parking permit issued by Morton High School. (3) Vehicles parked in a designated visitor's parking space (a visitor is a person who has been properly registered and designated as such by the Morton High School Office).
		West side	From Rassi to E. Jackson, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(EE)	S. Illinois Ave.	Both sides	From 160' north of Sunset Rd. to Brentwood Rd.
(FF)	N. Indiana Ave.	Both sides	From Rassi to Kay, between 8:00 A.M. and 4:00 P.M. on school days, except 45' south of Kay on the east side of N. Indiana, where no parking is permitted at any time, and except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.

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

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(LL)	Kay St.	North side South side South side	From N. Indiana to 70' east of N. Indiana. From N. Indiana to 55' east of N. Indiana. From 55' east of N. Indiana to N. Missouri, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(MM)	E. Madison St.	Both sides	From N. Main to N. First.
(NN)	W. Madison St.	South side	From N. Main to Bradley.
(OO)	N. Main St.	Both sides East side East side West side West side	From 160' south of N. Third to the northern corporate limits. From 130' south of Jackson to 250' north of Jackson. From Jefferson to 135' north of Jefferson. From 185' south of Jackson to 160' south of N. Third. From Jefferson to 150' north of Jefferson.
(PP)	S. Main St.	East side East side East side West side West side West side	From 300' north of Birchwood to E. Crestwood. From 270' south of Fernwood to the southern corporate limits. From Jefferson to 170' south of Jefferson. From 280' north of Birchwood to 130' south of Crestwood. From Fernwood to the southern corporate limits. From Jefferson to 65' south of Jefferson.
(QQ)	S. Maple Ave.	West side	From W. Jefferson to W. David.
(RR)	N. McArthur Ave.	Both sides	From W. Jackson to Alexander.
(SS)	S. McArthur Ave.	East side	From W. Jefferson to W. David.
(TT)	E. Monroe St.	Both sides North side South side	From N. Illinois to N. Louisiana, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests. From N. Main to N. Illinois. From N. Fourth to N. Illinois, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(UU)	N. Morton Ave.	Both sides Both sides	From Mosiman Ave. to Hyde Park Dr. From Timberline Dr. to Forestview Rd., between 8:00 A.M. and 4:00 P.M. on school days.
(VV)	N. Nebraska Ave.	Both sides	From N. Main to 100' east of N. Main.
(WW)	S. Nebraska Ave.	Both sides Both sides	South of E. Idlewood. From 100' north of E. Crestwood to 100' south of E. Crestwood between 8:00 A.M. and 4:00 P.M. on school days.
(XX)	Penn St.	Both sides	From S. First to Clifton.
(YY)	S. Pershing Ave.	Both sides	From W. Jefferson to end of street.

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(ZZ)	W. Pershing St.	North side South side South side	From N. Main to W. Jefferson. From N. Main to 40' west of N. Main. From W. Jefferson to 250' east of W. Jefferson.
(AAA)	S. Plum Ave.	Both sides East side West side	From W. Adams to W. Washington. From W. Jefferson to W. Adams. From W. Jefferson to 170' south of W. Jefferson
(BBB)	E. Queenwood Rd.	Both sides	
(CCC)	W. Queenwood Rd.	Both sides	
(DDD)	Rassi St.	North side	From N. Illinois to N. Indiana, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests.
(EEE)	St. Paul St.	Both sides	
(FFF)	N. Second Ave.	East Side West side	From E. Jackson to Harrison, between 8:00 A.M. and 4:00 P.M. on school days. From E. Madison to E. Jackson.
(GGG)	Tennessee Ave.	Both sides	
(HHH)	N. Third Ave.	Both sides Both sides East side West side	From N. Main to E. Polk. From Behrends Ct. to E. Jackson, between 8:00 A.M. and 4:00 P.M. on school days, except for vehicles displaying a "PERMIT" issued by the MPD to residents whose homes front on the prohibited area and their guests, or for vehicles in a funeral procession. From E. Jackson to 120' north of E. Jackson. From E. Jackson to Harrison.
(III)	Veteran's Rd.	Both sides	From W. Jefferson to the northern corporate limits line.
(JJJ)	Walton Ave.	Both sides	
(KKK)	E. Washington St.	Both sides North side South side	From S. Main to S. First. From S. First to S. Seventh. From S. Fourth to 60' east of S. Fourth.
(LLL)	W. Washington St.	North side	From S. Main to S. Plum.
(MMM)	Yordy Rd.	Both sides South side	From S. Main to 175' east of S. Main. From 35' east of Tuscany Ct. to 185' east of Tuscany Ct.

(Ord. 98-18, 9-8-98; amd. Ord. 98-28, 12-21-98; amd. Ord. 99-2, 5-17-99; amd. Ord. 99-16, 9-7-99; amd. Ord. 99-23, 9-20-99; amd. Ord. 99-30, 10-18-99; amd. Ord. 99-47, 3-6-00; amd. Ord. 00-13, 7-6-00; amd. Ord. 00-24, 8-21-00; amd. Ord. 02-37, 4-7-03; amd. Ord. 03-03, 7-7-03; amd. Ord. 03-12, 8-18-03; 03-15, 8-18-03; amd. Ord. 03-41, 7-19-04; amd. Ord. 04-17, 7-6-04; amd. Ord. 4-22, 7-19-04; amd. Ord. 04-25, 8-2-04; amd. Ord. 04-38, 11-15-04; amd. Ord. 05-09, 7-18-05; amd. Ord. 05-16, 9-6-05; amd. Ord. 07-24, 8-6-07; amd. Ord. 07-44, 11-19-07; amd. Ord. 07-49, 12-17-07; amd. Ord. 09-02, 5-4-09; amd. Ord. 09-16, 7-20-09; amd. Ord. 09-17, 7-20-09; amd. Ord. 09-42, 3-15-10; amd. Ord. 10-04, 5-17-10; amd. Ord. 10-06, 6-7-10; amd. Ord. 10-08, 6-21-10, amd. Ord. 11-14, 7-18-11; amd. Ord. 12-17, 11-5-12; amd. Ord. 14-16, 7-21-14; amd. Ord. 15-21, 4-18-16; amd. Ord. 17-21, 9-5-17; amd. Ord. 17-32, 12-18-17)

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

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

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

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

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

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

4. Driveways And Parking Areas: Driveways and parking areas shall not be closer than ten feet (10') from the side and rear property lines. Driveways connecting adjacent lots are permissible subject to site plan review.
- (D) Building Height: No building shall be erected or enlarged to exceed a height of thirty five feet (35'), except for those general exceptions to height limitations listed in Title 10, Chapter 4, Section 3. Buildings in excess of the aforesaid height may be permitted a special use, subject to the public hearing and other special permit requirements as outlined in Chapter 10 of this Title.
- (E) Required Off-Street Parking And Loading: Required off-street parking and loading shall be provided as outlined in Chapter 8 of this Title.
- (F) Signs: The provisions of Title 10, Chapter 9, pertaining to sign regulations, shall apply to all signs that are located within an interstate corridor.
- (G) Application Of Provisions: The provisions of Subsection (B) set forth above shall apply to any parcel located wholly or partially within an interstate corridor. The provisions of Subsections (C) through (F), inclusive, set forth above, shall apply to any buildings or structures located wholly or partially within an interstate corridor.
- (H) Existing Structures Or Unimproved Land: Notwithstanding the other provisions of this section, the following provisions apply to structures or unimproved land which existed at the time of the adoption of this Section:
1. If the structure was conforming at the time it was built, then it may be expanded, provided that such expansion continues along the same building line, meaning that there would be no further encroachment into the setback requirements.
 2. If, when a structure was built, it encroached into the required setback area (meaning a variance was granted or it was otherwise nonconforming) then such structure may be expanded, with no greater encroachment, only if a variance is obtained pursuant to the provisions of Title 10, Chapter 10, Subsection 2(C).
 3. If, at the time of the adoption of this Section, there existed a lot of record of less than one (1) acre within an interstate corridor, then no structures can be erected without obtaining a variance pursuant to the provisions of Title 10, Chapter 10, Subsection 2(C). Variances for signs or building setbacks shall be the only permitted variances. (Ord. 94-31, 5-15-95)

10-4-8: **EXISTING BUILDINGS IN INTERSTATE CORRIDORS:** All buildings located within an interstate corridor at the date of adoption of Title 10, Chapter 4, Section 7 are nonconforming buildings, (if the building is located within a setback area as defined by this Chapter) and all of the provisions of Title 10, Chapter 4 shall apply to them. Variances may be applied for in conformity with the applicable provisions of Title 10, Chapter 10. (Ord. 94-31, 5-15-95)

10-4-9: **SPECIAL VARIANCE PROCEDURE FOR PROPERTY IN INTERSTATE CORRIDOR:**

- (A) In the event an owner desires a variance from any of the regulations pertaining to property in an interstate corridor, and the variance is for a matter which is not specified in Title 10, Chapter 10, Subsection 2(C)4 as now in effect or as may be amended by proposed Ordinance 94-32, then such owner may request that the Board of Trustees grant a variance. All applications shall be made in the same form, shall require the same fee, and provide public notice all in the same manner as a variance request that would be heard by the Zoning Board of Appeals. (amd. Ord. 17-04, 6-5-17; amd. Ord. 17-27, 12-4-17)
- (B) It shall take the affirmative vote of five (5) members of the appropriate authorities to grant such variance. (The President may provide a fifth vote if necessary.)

- (C) The provisions of Subsection 10-10-2(C) of this Code shall apply to the consideration of any variance request. (Ord. 94-31, 5-15-95)

10-4-10: **PLANNED COMMERCIAL DEVELOPMENTS:**

- (A) Purpose: The purpose of this Section is to allow ownership of business premises while otherwise maintaining all zoning provisions of the applicable zoning district.
- (B) Covenants and Easements: The plan of development shall include covenants, easements, and other provisions as are necessary to the orderly development of the property.
- (C) Application: The planned commercial development shall be reviewed by the plan director. It shall also be subject to site plan review, as provided in Title 10, Chapter 4, Section 6.
- (D) Application of Zoning: All other zoning Ordinances shall apply to the planned commercial development.
- (E) Variances: No variances shall be granted for a planned commercial development.
- (F) Plat: The owner of the property shall provide a plat in accordance with the provisions of the Condominium Property Act and shall provide three (3) copies of same to the plan director. (Ord. 99-49, 3-20-00)

10-4-11 **LARGE SCALE DEVELOPMENT:**

- (A) Purpose: This Section provides for additional requirements for all large scale development within any district zoned B-1, B-2, or B-3. The requirements in this Section are in addition to the requirements in Title 10, Chapter 4, Section 6, and any other parts of Title 10 that might apply, and where there is any conflict between the two (2) sections, the more restrictive provisions shall apply. Large scale development is defined as a building of eighty thousand (80,000) total square feet or more, whether one (1) story or more than one (1) story.
- (B) Wall Length: Buildings should not exceed one hundred (100) lineal feet of wall length without providing architectural relief in the facade. Architectural relief, as used herein, shall mean using arcades, cornices, eaves, focal points, or offsets in elevation on the three (3) sides provided for in Sub-paragraph C.
- (C) Bricks and Stone: Buildings will provide thirty five percent (35%) brick or stone, on a minimum of three (3) sides, as defined in Section 10-4-6-B-9. If Quik Brik is used it must cover one hundred percent (100%) of all sides of the building.
- (D) Set Backs: Buildings, drives, and parking area pavements must maintain side and rear setbacks as required by the regulations of the particular zoning district, but in no event shall they be less than fifteen feet (15').
- (E) Landscaping: The following landscaping provisions shall apply:
1. The provisions of Section 10-4-6-B-5 shall apply to all landscaping requirements.
 2. On the perimeter of the property (the setback area), landscaping shall be provided on three (3) sides.
 3. Landscaping on the interior portion of the lot (being all the lot except the setback area) shall be subject to the following:
 - (a) Provide one hundred and forty (140) points of landscape material for each acre of developed property.

3. Temporary signs on the property where the activity is occurring shall not exceed thirty two (32) square feet unless a more restrictive size is specified in this paragraph. All other temporary signs shall not exceed sixteen (16) square feet unless a more restrictive size is specified in this paragraph.
 4. Those announcing a campaign drive or civic event shall not be on the property more than ninety (90) days before the event or seven (7) days after the event has ended.
 5. Barker signs, provided they do not exceed a size of eighteen (18) square feet and are not used for a period of time exceeding four (4) consecutive days. They shall not be used in such a manner as to impede vehicular or pedestrian traffic, or constitute a safety hazard.
 6. Construction signs as defined in 10-9-5(E), 10-9-6(F), and 10-9-7(D). One (1) for each company or service is allowed.
 7. Temporary signs do not count against the total signage otherwise allowed on a lot.
 8. Permission of the property owner must be obtained for any temporary sign.
 9. Temporary signs shall not be placed on any right of way street, alley, sidewalk, driveway or other public property subject to the following exception: (1) an open house sign relating to real estate sales/lease of not more than nine (9) square feet in area per side may be placed for directional signs from Friday until the following Sunday at 6:00 p.m. in a public right of way with permission of the owner of the property abutting the right of way. (amd. Ord. 17-26, 12-4-17)
 10. They shall not obstruct a motorist's view on any street or intersection. (Ord. 07-31, 9-4-07)
 11. The display of any such temporary sign shall be limited to two (2) nonconsecutive thirty (30) day periods per calendar year. Any sign which is displayed for more than a thirty (30) day period, or for more than two (2) nonconsecutive periods of thirty (30) days or less, shall not be considered a temporary sign but shall be a permanent sign, except as otherwise permitted by this Section. (amd. Ord. 17-26, 12-4-17)
 12. Signs advertising the rental, sale or lease of the property on which the sign is located may be placed on the subject lot when the property is offered for rental, sale or lease, and shall be removed from the subject lot within not more than fifteen (15) days following the sale, lease or rental of the subject property. (amd. Ord. 17-26, 12-4-17)
- (H) Signs indicating the time and place of meetings of civic organizations are permitted on the main entry roads into town, provided only one sign structure is utilized to accommodate all such notices on each major entry road.
- (I) Portable signs are allowable only under the following conditions:
1. The sign area shall not exceed thirty two (32) square feet, and any one face shall not exceed sixteen (16) square feet.
 2. A portable sign cannot be illuminated.
 3. A portable sign may be located only in districts zoned B-1, B-2, or B-3. (Ord. 83-16, 9-6-83)
 4. Only one (1) portable sign per business location shall be allowed. The location where the portable sign is displayed must be on the same lot where the business is located. (Ord. 84-8, 9-4-84)

5. The height of a portable sign cannot exceed five feet (5'). (Ord. 07-31, 9-4-07)

- (J) Except for low silhouette business signs, no free-standing sign shall be established closer to the street than one-half (1/2) the setback required under the appropriate zoning classification. No portion of any business sign may be placed on or extended over the right of way line of any street or highway, except for one foot (1') of flush signs where existing buildings have no front or side yards. One (1) low silhouette sign per business may be located within the required landscaped yard, provided it is not closer to the proposed right of way line than one-half (1/2) the appropriate landscaped yard requirement and provided it complies with the obstructions to visibility requirements of Section 10-4-3(l). A low silhouette sign shall not exceed four and one-half feet (4 1/2') in height. (amd. Ord. 00-04, 5-15-00)
- (K) All signs shall be maintained in good and safe structural condition. The painted portions of signs shall be periodically repainted and kept in good condition. Illuminated signs shall be kept in proper working order.
- (L) The general area in the vicinity of any sign on undeveloped property must be kept free and clear of sign materials, weeds, debris, trash, and other refuse.
- (M) Advertising signs shall not be established at any location having principal frontage on any street within three hundred feet (300') of any property which is used for public park, public school, church, city hall, or public museum having principal frontage on the same street or within three hundred feet (300') of any residential zone abutting the business or industrial zone when such sign face would face into the residential zone.
- (N) No outdoor advertising sign or part thereof shall be located on any property without the consent of the owner, holder, lessee, agent, or trustee.
- (O) Removal of Signs: The sign face shall be removed and replaced with a blank face on any sign which for sixty (60) consecutive days has directed attention to a product, place, activity, person, institution or business which is no longer in operation or existence. All structural supports, braces poles and framework shall be removed from any sign which without regard to the blank face has for five (5) years directed attention to a product, place, activity, person, institution or business which is no longer in operation or in existence. The owner of the premises on which the sign is situated and any person with a present possessory interest in said premises shall be jointly and separately responsible for compliance with all provisions of this section. All signs shall be maintained free from cracks; broken or missing panels; broken or missing supports, braces, poles or framework; and in good and ordinary operating condition at all times. (amd. Ord. 01-24, 10-5-01; amd. Ord. 17-05, 6-5-17; amd. Ord. 17-28, 12-4-17)
- (P) Except where otherwise specifically stated herein, any sign in existence on the effective date of this Title which does not comply with the provisions of this Title may continue in existence as a matter of right and may be maintained and repaired pursuant to the provisions of Title 10, Chapter 4, Section 2(A) of this Code.
- (Q) Directional Signs are allowable subject to the following conditions.
1. No setback is required.
 2. They shall not exceed a height of four feet (4').
 3. Six (6) square feet per sign is allowed. The square footage is not to be included in computing the total general allowable sign area for the property. (Ord. 99-36, 11-15-99)
- (R) Inflatable Signs are allowed for a period of one (1) week per thirty (30) day period. (Ord. 99-36, 11-15-99)

- (S) Political signs are allowed, subject to the following provisions:
1. They must be removed within seven (7) days of the election they refer to unless they are on property zoned residential. (amd. Ord. 10-19, 10-4-10)
 2. The maximum allowable size is four (4) square feet in residential districts, and thirty-two (32) square feet in commercial and industrial districts.
 3. No sign permit is required, but permission of the property owner must be obtained before placing the signs.
 4. They may not be placed on any right-of-way, street, alley, sidewalk, driveway, or other public way or property. (Ord. 99-36, 11-15-99; amd. Ord. 04-41, 11-15-04)

- (T) Signs on a motor vehicle or trailer are expressly prohibited if the motor vehicle or trailer is parked on a property on which the motor vehicle or trailer is not being used in the conducting of any business on that property or if the motor vehicle or trailer is on the property for any purpose other than to make a delivery or take delivery of any item from the property. Conducting of business on the property means that the sign on the motor vehicle or trailer identifies any service, product, or business activity being conducted on the property where the motor vehicle or trailer is parked. Parking a motor vehicle or trailer on property does not constitute conducting business. Signs include anything painted or affixed on a motor vehicle or trailer which is used to identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Only those sign areas on a motor vehicle or trailer being greater than eight (8) square feet are prohibited.

The owner of the property, and the owner of the motor vehicle or trailer, shall be jointly and severally liable for any violations of this provision.

These provisions shall not apply to a motor vehicle or trailer parked on property where the owner of the motor vehicle or trailer is also the owner of the property, or the owner of the motor vehicle or trailer has a written lease of a term of six (6) months or longer for possession for the property, and the motor vehicle or trailer is used in conjunction with a business being lawfully conducted on the property.

This applies to a motor vehicle or trailer whether it is operable or not. (Ord. 07-03, 5-7-07)

10-9-5: **SIGN REGULATIONS WITHIN RESIDENTIAL DISTRICTS:** The following sign regulations shall pertain to all residential districts:

- (A) Residential Signs Within Residential Districts:
1. Single-Family Or Two (2)-Family Dwellings: For each dwelling, nameplates and identification signs indicating the name and address of the occupant are permitted, providing the sign area does not exceed two (2) square feet. On a corner lot, nameplates or identification signs shall be permitted for each dwelling on each street side.
 2. Multi-Family Dwellings: For each residential building, one (1) identification sign indicating only the name and address of the building and the name of the management is permitted, providing the sign area does not exceed sixteen (16) square feet. Such signs shall not be closer than eight feet (8') to any other zoning lot. On a corner lot, identification signs shall be permitted on each street side.

3. Project Identification: A residential project having a number of buildings shall be permitted one (1) additional sign with the name of the project only on each street. The sign area shall be no greater than thirty two (32) square feet. Such signs may not be closer than sixteen feet (16') to any other zoning lot.
4. Height: No attached sign shall exceed one (1) story in height or fourteen feet (14') above the curb level, whichever is lower. No free-standing sign shall exceed seven feet (7') in height.

(B) Nonresidential Signs Within Residential Districts:

1. Church Bulletins, Cemeteries, Educational Institutions, Recreation And Social Facilities, And Other Similar Uses: One (1) identification sign with sign area not to exceed sixty (60) square feet is permitted. No one (1) face shall be greater than thirty (30) square feet. Such signs may not be closer than eight feet (8') to any other zoning lot. On a corner lot, identification signs shall be permitted on each street side.
2. Illuminated signs in all R-1 and R-2 residential districts are prohibited except for church bulletins and educational institutions. Illuminated time and temperature or automated language signs are prohibited in all residential districts. (amd. Ord. 99-36, 11-15-99)
3. Nonconforming business uses may have exterior signs with sign area not to exceed twenty four (24) square feet. (Ord. 83-16, 9-6-83)
4. (Rep. by Ord. 84-3, 6-18-84)
5. Parking Areas: Signs designating parking area entrances or exits are limited to one (1) sign for each such entrance or exit, with sign area not exceeding two (2) square feet each. One (1) sign shall be permitted per parking area designating the conditions of use or identity of such parking area and limited to a sign area of nine (9) square feet.
6. Agricultural Products: Temporary signs advertising the sale of agricultural products grown or produced on the property with sign area not exceeding sixteen (16) square feet are permitted.
7. Height: No attached sign shall exceed one (1) story in height or fourteen feet (14') above the curb level, whichever is lower. No free-standing sign shall exceed seven feet (7') in height.

(C) "For Sale" Or "For Rent" Signs Within Residential Districts: There shall be no more than one (1) sign per zoning lot, except that on a corner lot, one (1) sign shall be permitted on each street side. No sign may exceed four and one-half feet (4 1/2') in height nor be placed closer than eight feet (8') to any other zoning lot. Sign area shall not exceed twelve (12) square feet.

(D) Advertising Signs Not Permitted Within Residential Districts: Advertising copy or structures are prohibited in any residential district.

(E) One (1) construction sign not exceeding sixteen (16) square feet is permitted for a time period no longer than necessary to complete the activity to which it refers. If the sign refers to more than one (1) activity, then the activity completed last shall apply with respect to the time the sign may exist. (Ord. 07-31, 9-4-07)

10-9-6: **SIGN REGULATIONS WITHIN BUSINESS DISTRICTS:** The following sign regulations shall pertain to business districts:

(A) Sign Uses Permitted In Residential Districts Permitted In Business Districts: The regulations covering permitted signs within residential districts shall also apply in business districts. No Advertising Signs are permitted in B-1 districts except as follows:

- (e) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- (f) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public street, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards, to reduce or minimize the effect of such variation upon other properties in the neighborhood, and to better carry out the general intent of this Title.

4. The following situations, and only those situations, are permissible areas in which variations from the regulations of this Title are allowed to be granted by the Zoning Board of Appeals when in accordance with the standards established in this Section:
- (a) To permit reconstruction of a building accommodating a nonconforming use, when the building was specifically designed for such use and destroyed to an extent exceeding twenty five percent (25%) of its fair market value.
 - (b) To permit any yard or open space requirement less than the yard or open space requirement.
 - (c) To permit a reduction of the parking or loading requirements for a specific use whenever the character or use of the building or property is such as to make unnecessary the full provision of such facilities.
 - (d) To permit an increase by not more than twenty five percent (25%) to the distance required parking spaces are to be from the use served.
 - (e) To permit a variation of these regulations to secure an appropriate development of a lot where adjacent to such lot on two (2) or more sides there are structures not conforming to the regulations of the district.
 - (f) To permit the extension of a zoning district line in a specific instance where the rules of this Title for interpreting the zoning district line are unclear in relation to a single property.
 - (g) To vary the sign regulations, except height, of free-standing signs, where because of unique conditions of the property on which the sign is to be placed, the regulations contained herein would be inappropriate¹. Variances for the height of a sign may only be granted in the Interstate Corridor District. Variances for the height of a sign may not be granted in any other zoning district. (Ord. 78-31, 3-5-79; amd. Ord. 01-41, 3-18-02; amd. Ord. 04-42, 12-6-04; amd. Ord. 11-30, 1-3-12; amd. Ord. 13-22, 11-4-13; amd. Ord. 15-04, 7-6-15; amd. Ord 17-27, 12-4-17)
 - (h) To permit more than one (1) driveway per residential lot.
 - (i) To permit a nonconforming building to be structurally altered or reconstructed within its bounding walls to an extent exceeding in aggregate cost twenty five percent (25%) of its fair market value including land value. (Ord. 81-28, 11-16-81)

¹ See Chapter 9 of this Title.

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

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

(D) Appeals Procedure:

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