

Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois
Supplement 247 - April 2018
Includes Ordinances: 17-34, 17-35, 17-38

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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:

17-34, February 5, 2018

17-35, February 5, 2018

17-38, February 5, 2018

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 Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.

CHAPTER 24

BIDDING AND CONTRACT PROCEDURES

SECTION:

- 1-24-1: Bidding and Contract Procedures
 1-24-2: Minimum Insurance Requirements

1-24-1: **BIDDING AND CONTRACT PROCEDURES:**

(A) *Competitive Bidding Required:* Any work or other public improvement that is not to be paid for in whole or in part by special assessment or special taxation, and all purchases of equipment, contracts for supplies and materials, and service contracts, except as specifically provided herein, be based whenever possible on competitive bids.

(B) *Formal Contract Procedure:* All work or other public improvement that is not to be paid for in whole or in part by special assessment or special taxation, and all purchases of equipment, contracts for supplies and materials and service contracts, except as otherwise provided herein, when the estimated cost thereof exceeds ten thousand dollars (\$10,000.00), shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of two thirds of the trustees then holding office. Civil projects of less than twenty thousand dollars (\$20,000.00) may be authorized by the Director of Public Works without formal bidding.

In the event the Chief of Police determines that the state bid for a police car is such that dealers located in the Village cannot match it or better it, then formal bidding shall not apply to the purchase of that vehicle.

(C) *Advertisements For Bids:* A notice inviting bids shall be published at least once in a newspaper with general circulation within the Village and at least ten days before bids are due. The Village shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the Village hall and on its website.

(D) *Scope of Notice:* The newspaper notice required herein shall include a general description of work to be performed or the articles to be purchased, shall state where specifications may be secured, and shall specify the time and place for opening bids.

(E) *Bids Deposits:* When deemed necessary by the Board of Trustees, bid deposits shall be prescribed in the public notice inviting bids. Unsuccessful bidders shall be entitled to the return of their bid deposits upon the award of the contract by the Board of Trustees. A successful bidder shall forfeit any bid deposit required by the Board of Trustees upon failure on his part to enter into a contract within ten days after the award.

Such bid may be in the form of a certified check, bond, or letter of credit in an amount as specified in the advertisement for bids to ensure finalization of the contract and to indemnify the Village against all loss, damages, and claims that may accrue against the Village as a consequence of the granting of the contract.

(F) *Bid Opening Procedure:*

1. *Sealed:* Bids shall be submitted sealed to the Village Administrator and shall be identified as bids on the envelope.

2. *Opening*: Bids shall be opened in public at a time and place stated in the public notice and by the person designated in the bid notice or such other persons as designated by the Village Administrator.
 3. *Tabulation*: A tabulation of all bids received shall be by the Village Administrator or his or her designee, and the bids shall be furnished to the Board of Trustees prior to the meeting where the Board of Trustees will consider the awarding of a bid.
- (G) *Rejection of Bids*: The Village, through its corporate authorities, shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby.
- (H) *Bidders in Default to Village*: The Village shall not accept the bid of a contractor who is in default on the payment of taxes, licenses, or other money due the Village.
- (I) *Report*: The Village administrator and applicable department head shall submit a bid report to the Board of Trustees prior to the meeting at which the bids will be considered. For any bids on vehicles or equipment, the chief mechanic or his supervisor shall also provide a report.
- (J) *Award of Contract*:
1. *Authority in Village*: The Board of Trustees shall have the authority to award contracts within the purview of this section.
 2. *Lowest Responsible Bidder*: Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interests of the Village to accept. In awarding the contract, in addition to the price, the Board of Trustees shall consider:
 - (a) the ability, capacity, and skill of the bidder to perform the contract to provide the service required;
 - (b) whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
 - (c) the character, integrity, reputation, judgment, experience, and efficiency of the bidder;
 - (d) the quality and performance of previous contracts or services;
 - (e) the previous and existing compliance by the bidder with law and ordinances relating to the contract and service;
 - (f) the sufficiency of the financial resources and ability of the bidder to perform the contract or provide service;
 - (g) the quality, availability, and adaptability of the supplies or contractual services to the particular use required;
 - (h) the ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and
 - (i) the number and scope of conditions attached to the bid.
 3. *Performance Bids*: The Board of Trustees shall have the authority to require a performance bond before entering into a contract, in such amounts as it shall find reasonably necessary to protect the best interests of the Village and to conform to the statutory requirements for such bonds.

- (K) *Open Market Procedure:* All work and purchases of equipment, contracts for supplies and materials, and service contracts of less than the estimated value of ten thousand dollars (\$10,000.00) shall be made in the open market without newspaper advertisement and without observing the procedure prescribed by this section for the award of formal contract in such a manner so as to ensure the best interests of the public after solicitation of bids and proposals by mail, telephone, facsimile transmission or otherwise.
- (L) *Professional Services Exempt From Bidding Requirements:* All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers, and architects, and any other profession whose ethical code involved prohibits or discourages involvement in normal bidding procedures, may be entered into by the Village without observing the bidding procedures prescribed by this section for the award for formal contracts.
- Regular employment contracts in the municipal service shall likewise be exempt from the provisions of this ordinance.
- (M) *Emergency Purchases:* In case of any apparent emergency that requires immediate work or purchase of supplies, materials, or services, the board of trustees shall be empowered to secure by open market procedure as herein set forth, at the lowest obtainable price, any work, supplies, or services regardless of the amount of the expenditures. A finding of such an emergency shall be made in an affirmative vote of at least two thirds of the Board of Trustees at the time of such emergency contract or no later than the first regular Village Board meeting thereafter.
- (N) *Cooperative Purchasing:* The Village shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the Village would be served thereby. (Ord. 13-03, 7-15-13)

1-24-2: **MINIMUM INSURANCE REQUIREMENTS:**

- (A) **APPLICABILITY:** The provisions of this section shall apply to all independent contractors who enter into contracts with the Village of Morton for the performance of labor and/or services for the Village of Morton on or after April 1, 2018, except those independent contractors whose written agreement with the Village of Morton provides for lessor or different insurance requirements and further excluding contractors providing professional services to the Village who shall be required to maintain such professional liability insurance as may be required by the Village of Morton from time to time.
- (B) **ADDITIONAL INSURED:** Independent contractors shall provide a Certificate of Insurance to the Village of Morton which shall name the Village of Morton as an additional insured on independent contractors liability policy for claims arising out of the independent contractor's products and/or completed operations or made by their employees, agents, guests, customers, invitees or subcontractors, which liability insurance policy shall be the primary insurance in the event of a covered claim or cause of action against the Village of Morton and on a non-contributory basis.
- (C) **SUBCONTRACTOR COVERAGE:** Independent contractors shall be required to verify that all subcontractors maintain general liability insurance, workers compensations insurance and automobile liability insurance as required by this Section. All subcontractors proof of insurance shall include a per project aggregate limit for its commercial general liability insurance.
- (D) **WAIVER OF SUBROGATION:** The Village of Morton shall not waive any rights of recovery against independent contractors from damages resulting from the negligent acts of the independent contractor associated with the contract. Independent contractors policy shall include waiver of subrogation for general liability, auto liability and workers compensation coverages.

- (E) GENERAL LIABILITY INSURANCE: Any independent contractor shall maintain commercial general liability insurance in the amount of not less than one million dollars (\$1,000,000.00) per occurrence.
- (F) AUTOMOBILE LIABILITY INSURANCE: Any independent contractor shall maintain automobile liability insurance for any owned autos, hired autos or non-owned autos used in connection with the contractor's business with the Village of Morton. Automobile liability insurance coverage shall be maintained by the contractor/service provider in the minimum amount of one million dollars (\$1,000,000.00) combined single limit.
- (G) WORKERS COMPENSATION INSURANCE: Any independent contractor of the Village of Morton shall maintain workers compensation insurance as required by law.
- (H) PROFESSIONAL ERRORS AND OMISSIONS COVERAGE: Any independent contractor who provides professional services, such as designing or planning construction projects or completing engineering or architectural drawings shall maintain professional errors and omissions coverage in the amount of not less than one million dollars (\$1,000,000.00) with additional insured to apply in favor of the Village of Morton.
- (I) UMBRELLA INSURANCE: Any independent contractor shall maintain an umbrella insurance policy in the amount of not less than one million dollars (\$1,000,000.00) per occurrence.
- (J) THIRD PARTY EMPLOYERS LIABILITY COVERAGE: Any independent contractor shall maintain third party employer's liability coverage in the amount of not less than five hundred thousand dollars (\$500,000.00) per each employee.

(Ord. 17-34, 2-5-18)

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

Class A-1	Zero (0)
Class A-2	Four (4)
Class A-3	One (1)
Class A-4	Zero (0)
Class B-1	Three (3)
Class B-2	Ten (10)
Class B-3	Four (4)
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	One (1)

(Ord. 86-1, 5-5-86; amd. Ord. 86-14, 11-3-86; Ord. 87-11, 8-17-87; Ord. 88-14, 8-15-88; Ord. 89-10, 8-21-89; Ord. 95-1, 5-15-95; Ord. 97-14, 7-22-97; Ord. 97-38, 4-20-98; Ord. 98-30, 12-7-98; Ord. 98-49, 4-19-99; Ord. 99-12, 8-2-99; Ord. 99-17, 9-7-99; Ord. 99-38, 11-15-99; amd. Ord. 99-48, 2-21-00; amd. Ord. 00-02, 5-1-00; amd. Ord. 01-01, 5-7-01; amd. Ord. 02-10, 7-1-02; amd. Ord. 04-10, 6-21-04; amd. Ord. 04-21, 7-6-04; amd. Ord. 05-22, 10-17-05; amd. Ord. 05-47, 3-20-06; amd. Ord. 06-08, 6-5-06; amd. Ord. 08-10, 8-18-08; amd. Ord. 08-13, 9-15-08; amd. Ord. 08-15, 11-3-08, amd. Ord. 08-29, 12-1-08; amd. Ord. 08-47, 4-20-09; amd. Ord. 09-06, 5-18-09; amd. Ord. 09-09, 6-1-09; amd. Ord. 09-12, 7-6-09; amd. Ord. 09-23, 8-3-09; amd. Ord. 10-23, 11-15-10; amd. Ord. 10-34, 2-21-11; amd. Ord. 10-40, 4-4-11; amd. Ord. 11-02, 5-2-11; amd. Ord. 11-09, 6-20-11; amd. Ord. 11-16, 7-18-11; amd. Ord. 11-33, 3-19-12; amd. Ord. 10-35, 4-2-12; amd. Ord. 12-05, 6-18-12; amd. Ord. 12-22, 12-3-12; amd. Ord. 13-13, 9-3-13; amd. Ord. 13-19, 10-21-13; amd. Ord. 13-28, 2-3-14; amd. Ord. 13-35, 4-7-14; amd. Ord. 14-15, 7-21-14; amd. Ord. 14-35, 3-2-15; 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; amd. Ord. 16-15, 3-6-17; amd. Ord. 17-01, 5-15-17; amd. Ord. 17-07, 6-19-17; amd. Ord. 17-16, 8-7-17; amd. Ord. 17-18, 8-21-17; amd. Ord. 17-35, 2-5-18)

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.

¹ S.H.A., Ch. 32, 1.01 et seq.

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

CHAPTER 4

GENERAL REGULATIONS AND EXCEPTIONS

SECTION:

- 10-4-1: Application Of Regulations, Zoning Permits, And Certificates
- 10-4-2: Nonconforming Uses
- 10-4-3: Building Height, Bulk, Lot Coverage, And Yards
- 10-4-4: Lots Of Record
- 10-4-5: Buildings, Required Street, And Lot Relationships
- 10-4-6: Site Plan Review
- 10-4-7: Site Plan Review For Interstate Corridor
- 10-4-8: Existing Buildings In Interstate Corridors
- 10-4-9: Special Variance Procedure For Property In Interstate Corridor
- 10-4-10: Planned Commercial Developments
- 10-4-11: Large Scale Development
- 10-4-12: Wind Energy Conversion System (WECS)
- 10-4-13: Dumpsters
- 10-4-14: Portable Storage Units
- 10-4-15: Shelters/Tents
- 10-4-16: Solar Water Systems
- 10-4-17: Electric Solar Systems
- 10-4-18: Solar Energy Systems

10-4-1: **APPLICATION OF REGULATIONS, ZONING PERMITS, AND CERTIFICATES:** No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved, or altered, unless in conformity with the regulations herein specified for the district in which it is located, and unless having received the appropriate required permits or certificates as outlined in this Title. (Ord. 78-31, 3-5-79)

10-4-2: **NONCONFORMING USES:** Any lawfully established use of land or buildings at the effective date of this Title or of amendments, which does not comply with the regulations of the district in which it is located, is subject to the following regulations:

- (A) **Continuance Of Use:** A nonconforming use may be continued in use provided there is no physical change other than necessary maintenance and repair except as otherwise provided herein.
- (B) **Nonconforming Use Discontinued For One (1) Year Not To Re-Establish:** If a nonconforming use involving a building or structure has discontinued for a period of one (1) year or more, it shall not be re-established unless it was in a building specifically designed for such use. If nonconforming use of land not involving a principal building or structure is discontinued for six (6) months, it shall not be re-established.
- (C) **Reconstruction, Alterations, Or Expansions Of Nonconforming Building Limited:** A nonconforming building may not 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 except for non-conforming buildings which are used as an owner occupied residence, in which case the 25% limitation does not apply. A nonconforming use may not expand its bounding walls or increase its building area. In instances where a building has been specifically designed for a nonconforming use, the Board of Appeals, by variance action, may permit this limitation to be exceeded after required public hearing. (Ord. 78-31, 3-5-79; amd. Ord. 08-17, 10-06-08)

Notwithstanding the foregoing, a nonconforming building may be added on to or attached to where the following applies:

1. The building is in a district zoned R-1, "One-family and Planned Residential District"; and
 2. Pursuant to the zoning law in effect at the time the building was constructed, the building was allowed to be built up to five feet (5') from the side lot line; and
 3. Any addition shall not be closer to the side lot line than five feet (5'). (Ord. 83-12, 8-1-83)
 4. The building is in a district zoned industrial, and pursuant to the zoning law in effect at the time the building was constructed, the building was allowed to be built up to thirty feet (30') from the side lot line. Any addition shall not be closer to the side lot line than thirty feet (30'). (Ord. 92-23, 11-2-92)
- (D) Conforming Uses Not To Revert To Nonconforming Uses: Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.
- (E) Substitution Of Nonconforming Uses Prohibited: Except where otherwise provided herein, nonconforming use shall not be substituted for or added to another nonconforming use. (Ord. 78-31, 3-5-79)
- (F) Property adjacent to Detroit Avenue between West Jackson Street and West Birchwood Street where the owner dedicated right-of-way for the widening of Detroit Avenue will not be considered to be a nonconforming property because it doesn't meet the required front setback. Nonconforming property includes lots that are presently vacant. (Ord. 10-38, 4-4-11; amd. Ord. 10-42, 4-25-11)

10-4-3: **BUILDING HEIGHT, BULK, LOT COVERAGE, AND YARDS:**

- (A) General Application: No building shall be erected, reconstructed, relocated, or structurally altered to have a greater height, lot coverage, or smaller open spaces than permitted under the restrictions for the district in which it is located, except as otherwise provided in this Title. (Ord. 78-31, 3-5-79)
- (B) Exceptions To Height Limitations: All structural or architectural towers, spires, cupolas, parapet walls, chimneys, cooling towers, water towers, elevator bulkheads, stacks, stage towers or scenery lofts, mechanical appurtenances, structures, towers, antennas, or other similar structures may exceed the general height limitations in a zoning district only if a special use in accordance with the provisions of Section 10-10-2 of this Title is granted. Notwithstanding the foregoing, no special use shall be granted for a tower or other structure that can or will accommodate a personal wireless service facility as defined in Title 13 Chapter 1 of this Code. Warning sirens are exempt from any height limitation imposed by any other Sections of this Code. (Ord. 81-21, 8-17-81; amd. Ord. 00-52, 3-5-01; amd. Ord. 06-01, 5-1-06)
- (C) Open Space To Meet Requirements For One Property Not To Be Used For Another: No space allocated to a building or group of buildings for the purpose of satisfying the yard, open space, or lot area requirements of one property shall be used to satisfy the yard, open space, or lot area requirements of another property. (Ord. 78-31, 3-5-79)
- (D) Exceptions To Yard Requirements; Parking, Drives, Walks, Parking Lots, And Garages: Notwithstanding the foregoing, the following shall be permitted in the required yards:
1. Pavements:

10-4-16 **SOLAR WATER SYSTEMS:** Ground mounted hot water solar systems shall be no higher than seven (7) feet and shall have a footprint no greater than eight (8) feet by ten (10) feet. No variances may be granted for a hot water solar system. All other provisions of 10-4-3-D-6 that are not in conflict with the foregoing shall apply.

Solar water systems may be allowed as roof or wall mounts as long as they are not on the side of a structure facing the street. If it is a roof mount, it cannot project above the ridge height or be visible from the street facing side. (Ord. 10-20, 10-4-10)

10-4-17 **ELECTRIC SOLAR SYSTEMS:** Electric solar systems may be allowed on all sides of the roof and on all walls of the structure except those facing the street. (Ord. 10-20, 10-4-10)

10-4-18 **SOLAR ENERGY SYSTEMS:**

(A) Purpose: The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems (SES) in the Village of Morton in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. It is the intent of this ordinance to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

(B) Definitions:

1. **BUILDING INTEGRATED PHOTOVOLTAIC SYSTEMS:** A solar energy system that consists of integrating photovoltaic modules into the building structure as the roof or façade and which does not alter the relief of the roof.
2. **COLLECTIVE SOLAR:** Solar installations owned collectively through subdivision homeowner associations, college student groups, or other similar arrangements.
3. **COMMERCIAL/LARGE SCALE SOLAR FARM:** A utility scale commercial facility that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for onsite or offsite use with the primary purpose of selling wholesale or retail generated electricity.
4. **COMMUNITY SOLAR GARDEN:** A community solar-electric (photovoltaic) array, of no more than 5 acres in size, that provides retail electric power (or financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system.
5. **GROUND MOUNT SOLAR ENERGY SYSTEM:** A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.
6. **NET METERING:** A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.
7. **PHOTOVOLTAIC SYSTEM:** A solar energy system that produces electricity by the use of semiconductor devices called photovoltaic cells that generate electricity whenever light strikes them.
8. **QUALIFIED SOLAR INSTALLER:** A trained and qualified electrical professional who has the skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved.

9. **ROOF MOUNT:** A solar energy system in which solar panels are mounted on top of a building roof as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.
10. **SOLAR ACCESS:** Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.
11. **SOLAR COLLECTOR:** A device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.
12. **SOLAR ENERGY:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
13. **SOLAR ENERGY SYSTEM (SES):** The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic systems, solar thermal systems and solar hot water systems.
14. **SOLAR STORAGE BATTERY/UNIT:** A component of a solar energy device that is used to store solar generated electricity or heat for later use.
15. **SOLAR THERMAL SYSTEMS:** Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water.

(C) Permitted Ground Mount and Roof Mount SES: Ground Mount SES shall be permitted as an accessory use in all zoning districts where there is a principal structure. Roof Mount SES shall be a special use in all zoning districts and shall only be located on a principal structure only. A building permit shall be required to construct a ground mount or roof mount SES. An application shall be submitted to the Village Plan Commission in compliance with Title 10 Chapter 10 of the Morton Municipal Code and in addition to all requirements of Title 10 Chapter 10 additional information shall be provided to demonstrate compliance with the following restrictions:

1. Height:
 - (a) Building or roof mounted solar energy systems shall not exceed the maximum allowed height for principal structures in any zoning district.
 - (b) Ground or pole-mounted solar energy systems shall not exceed the maximum permitted height for an accessory structure when oriented at maximum tilt.
 - (c) Ground mounted solar energy systems may not be placed in the front yard.
2. Setbacks:
 - (a) Ground mounted solar energy systems shall meet the applicable setbacks for the zoning district in which the unit is located.
 - (b) Ground mounted solar energy systems shall not extend beyond the side yard or rear yard setback when oriented at minimum design tilt.

- (c) In addition to building setbacks the collector surface and mounting devices for roof mounted systems shall not extend beyond the exterior perimeter of the building on which the systems is mounted or built, unless the collector or mounting system has been engineered to safely extend beyond the edge, and setback requirements are not violated. Exterior piping for solar thermal systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
3. Reflection Angles: Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
 4. Visibility: Solar energy systems shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the North while still providing adequate solar access for collectors.
 5. Safety:
 - (a) Roof or building mounted solar energy systems, excluding building integrated systems, shall allow for adequate roof access for firefighting purposes to the south facing or flat roof upon which the panels are mounted.
 - (b) Roof or building mounted solar energy systems shall meet the requirements of the Morton Municipal Code regarding building regulations.
 - (c) All solar energy system installations shall be performed by a qualified solar installer.
 - (d) Any connection to the public utility grid shall be inspected by the appropriate public utility.
 - (e) All solar energy systems shall be maintained and kept in good working order. If it is determined that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended use for 6 consecutive months, the property owner shall be given 30-day notice for removal or repair of the unit and all equipment. If the solar energy system is not removed or repaired within thirty (30) days, then a notice of violation and a notice to appear before the Zoning Board of Appeals as an ordinance violation.
 6. Approved Solar Components: Electric Solar energy system components shall have a UL listing or approved equivalent and solar hot water systems shall have an SRCC rating.
 7. Restrictions on Solar Energy Systems Limited: Consistent with 765 ILCS 165/1 et seq. no homeowner's agreement, covenant, common interest community or other contracts between multiple property owners within a subdivision of incorporated Village of Morton shall prohibit or restrict homeowners from installing solar energy systems.
- (D) Building Integrated Systems. Building Integrated Photovoltaic Systems shall be permitted as a special use in all Zoning Districts.
- (E) Community Solar Gardens (SES). Development of Community Solar Gardens is permitted by Special Use as a principal use in all zoning districts subject to the following requirements:
1. Rooftop Gardens Permitted: Rooftop gardens are a special use in all zoning districts where buildings are permitted.
 2. Ground Mount Gardens: Ground mount community solar energy systems must be less than five (5) acres in total size, and require a Special Use in all districts. Ground-mount solar developments covering more than five (5) acres shall be considered a solar farm.

3. Interconnection: An interconnection agreement must be completed with the electric utility in whose service the territory the system is located.
4. Dimensional Standards: All solar garden related structures in newly platted and existing platted subdivisions shall comply with the applicable setback, height, and coverage limitations for the district in which the system is located.
5. Other Standards:
 - (a) Ground Mount Systems shall comply with all required standards for structures in the district in which the system is located.
 - (b) All solar gardens shall comply with Article 10 Chapter 10 procedures regarding special use permits.
 - (c) All solar gardens shall also comply with all other State and Local requirements.

(F) Commercial/Large Scale Solar Farm (SES): Ground Mount solar energy systems that are the primary use of the lot, designed for providing energy to off-site uses or export to the wholesale market require a Special Use, and shall be permitted with such special use only in the I-2 Districts. The following information shall also be submitted as part of the application and/or the following restrictions shall apply:

1. A site plan with existing conditions showing the following:
 - (a) Existing property lines and property lines extending one hundred feet from the exterior boundaries including the names of adjacent property owners and the current use of those properties.
 - (b) Existing public and private roads, showing widths of the road and any associated easements.
 - (c) Location and size of any abandoned wells or sewage treatment systems.
 - (d) Existing buildings and impervious surfaces.
 - (e) A contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.
 - (f) Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas, etc.).
 - (g) Any delineated wetland boundaries.
 - (h) A copy of the current FEMA FIRM maps that shows the subject property including the one-hundred-year floor elevation and any regulated flood protection elevation, if available.
 - (i) Surface water drainage patterns.
 - (j) The location of any subsurface drainage tiles.
2. A Site Plan of proposed conditions showing the following:
 - (a) Location and spacing of the solar panels.
 - (b) Location of access roads.

- (c) Location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.
 - (d) New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.
3. Fencing and Weed/Grass Control:
- (a) The applicant shall submit an acceptable weed/grass control plan for property inside and outside the fenced area for the entire property. The Operating Company or Successor during the operation of the Solar Farm shall adhere to the weed/grass control plan.
 - (b) Perimeter fencing having a maximum height of eight (8) feet shall be installed around the boundary of the solar farm. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site.
 - (c) The applicant shall maintain the fence and adhere to the weed/grass control plan. If the Operating Company does not adhere to the proposed plan a fine of \$500 per week will be assessed until the Operating Company or Successor complies with the weed/grass control and fencing requirements.
4. Manufactures Specifications: The manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles and racks.
5. Connection and Interconnection:
- (a) A description of the method of connecting the SOLAR array to a building or substation.
 - (b) Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.
6. Setbacks: A minimum of fifty (50) feet must be maintained on all property lines. Solar panels shall be kept at least two hundred fifty (250) feet from a residence that is not part the Special Use permit.
7. Fire Protection: A fire protection plan for the construction and the operation of the facility, and emergency access to the site.
8. Endangered Species and Wetlands: Solar Farm developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation shall be borne by the developer.
9. Road Use Agreements: All routes on Village Roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either egress or ingress need to be shown. The routing shall be approved subject to the approval of the Village of Morton. The Solar Farm Developer shall complete and provide a preconstruction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The development shall provide a road repair plan to ameliorate any and all damage, installation or replacement of roads that might be required by the Village or the Developer. The developer shall provide a letter of credit or surety bond in an amount and form approved by Village officials when warranted.

10. Decommissioning of the Solar Farm: The Developer shall provide a decommissioning plan for the anticipated service life of the facility or in the event the facility is abandoned or had reached its life expectancy. If the solar farm is out of service or not producing electrical energy for a period of twelve (12) months, it will be deemed nonoperational and decommissioning and removal of that facility will need to commence according to the decommissioning plan as provided and approved. A cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar farm. The decommissioning cost estimate shall explicitly detail the cost before considering any projected salvage value of the out of service solar farm. The decommissioning cost shall be made by a cash, surety bond or irrevocable letter of credit before construction commences. Further a restoration plan shall be provided for the site with the application. The decommissioning plan shall have the following provided:

(a) Removal of the following within six (6) months:

- (1) All solar collectors and components, aboveground improvements and outside storage.
- (2) Foundations, pads and underground electrical wires and reclaim site to a depth of four (4) feet below the surface of the ground.
- (3) Hazardous material from the property and dispose in accordance with Federal and State law.

(b) The decommissioning plan shall also recite an agreement between the applicant and the Village that:

- (1) The financial resources for decommissioning shall be in the form of a Surety Bond, or shall be deposited in an escrow account with an escrow agent acceptable to the Zoning Enforcement Officer.
- (2) A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed.
- (3) The Village shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment.
- (4) The Village is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- (5) The Village is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Village's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

(G) Compliance with Building Code. All solar energy systems shall comply with the ordinances of the Village of Morton as well as all Federal and State requirements.

(H) Liability Insurance. The owner operator of the solar farm shall maintain a current general liability policy covering bodily injury and property damage and name the Village of Morton as an additional insured with limits of at least two million dollars (\$2,000,000.00) per occurrence and five million (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00).

- (l) Administration and Enforcement. The Zoning Enforcement Officer shall enforce the provisions of this section through an inspection of the solar farm every year. The Zoning Enforcement Officer is hereby granted the power and authority to enter upon the premises of the solar farm at any time by coordinating a reasonable time with the operator/owner of the facility. Any person, firm or cooperation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this section may face fines of not less than twenty-five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00) for each offense.

(Ord. 17-38, 2-5-18)

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